DOCUMENT RESUME

ED 402 231 SO 026 200

AUTHOR	Aulbur, Millie; Wax, Jack
TITLE	Missouri Judges in the Classroom.
INSTITUTION	Missouri State Bar Association, Jefferson City.
PUB DATE	[92]
NOTE	125p.
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC05 Plus Postage.
DESCRIPTORS	*Citizen Role; Citizenship Education; Civics; *Court Judges; Court Role; Critical Thinking; Elementary Secondary Education; Instructional Materials; *Juvenile Justice; *Law Related Education; Lawyers; Resource Materials; Social Studies; Student Rights; Teaching Methods
IDENTIFIERS	*First Amendment; Missouri

ABSTRACT

This Missouri law-related education (LRE) guidebook for judges visiting classrooms and class visits to courtrooms is premised upon the belief that partnerships between judges and teachers will foster civic competence in students, help students avoid legal problems, enhance higher level skills such as analytical thinking, and increase students' respect for the law. Included in the booklet are guidelines for courtroom visits, classroom visits, and samples lesson plans for judges and teachers. Suggested lesson plan topics and lesson plans explained in the guidebook are: (1) "First Amendment and Teenagers"; (2) "How Are Jurors Chosen?" (3) "Every Bully Has a Right to an Attorney"; (4) "An Introduction to Juvenile Justice"; (5) "When Are Juveniles Treated as Adults?" and (6) "You Be the Sentencer!" The guidebook also contains a sample lesson plan using a videotape and a list of recommended LRE resources, including descriptions of videotapes, available from the Missouri Bar. (LH)

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ED 402 231

MISSOURI JUDGES IN THE CLASSROOM

Lesson Topics
Videotape Lessons
Judges & Teachers
Lesson Plans

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Published by The Missouri Bar

THE MISSOURI BAR

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INTRODUCTION

To live effectively and successfully in our society, citizens must understand the role of law in their lives. Our democracy is dependent on citizens who are not only knowledgeable but who are committed, active and law-abiding. Young people who understand our legal system are more likely to appreciate its value and respect the law. They will be prepared to integrate the law into their lives and use the legal system when they need it. As informed citizens, they will be ready to take part in the ongoing state and national discussion about improving the quality of justice in our society.

Law-Related Education(LRE) teaches students to be informed, active citizens. LRE programs are designed to link the community with the classroom by encouraging lawyers, judges and other professionals to serve as resource persons to educators. Through this partnership, students at public and private schools learn about the rights and responsibilities of citizenship from those who work daily with our courts and legal system.

At the very heart of our court system are judges. In an age where tradition and ceremony is sometimes forgotten, everyday in our courts learned men and women are donning the formal black robe of a judge to preside over proceedings where tradition and ceremony are the norm and order is imposed on disagreement and chaos.

Judges have traditionally taken an active role in law-related education. Each year, during Law Week(around May 1), judges have been among the hundreds of lawyers who visit classrooms to explain their roles in the legal system. However, students and judges both will benefit from judges taking an even greater role in law related education. Partnerships between judges and classroom teachers will foster civic competence in students, help students avoid legal problems, enhance higher level skills such as analytical thinking and increase students' respect for the law. In this day and age of overcrowded dockets and increasing incidents of juvenile crime, judges who take part in law-related education can reduce the likelihood that students will appear before them later as offenders of the law.

This publication from The Missouri Bar provides guidelines for judges and educators for classroom visits. Included in the booklet are guidelines for courtroom visits, classroom visits and sample lesson plans for judges and teachers.

This guidebook was compiled and edited by Millie Aulbur, Field Director for Law-Related Education and Jack Wax, Media Relations Director for The Missouri Bar. A special sub-committee of The Missouri Bar's Advisory Committee on Citizenship Education and several judges from around the state provided guidance for this publication. A very special thanks to these people for their expert help: The late Honorable H. Michael Coburn, The Honorable Thomas J. Frawley, The Honorable

Robert M. Heller, The Honorable Patricia Joyce, The Honorable Dennis J. Kehm, The Honorable Timothy J. Patterson, Committee Chairperson William Bay, Julie Cole Agee, Geoff Allen, Karen Birgman, Donna Ham, Robert Hanson, Dr. Susan LaGrone, Elizabeth Ketcher, Linda Riekes and Dr. Warren Solomon.

JUDGE

AS A

RESOURCE

PERSON

JUDGE AS A RESOURCE PERSON

Regardless of how extensive a particular court's involvement with law-related education, the primary moving force is the person in the black robe. A judge's participation in a courtroom visit by students and in classroom visits has been shown to have a positive impact on students' attitudes, and knowledge of the law and the court system.[1] Both trial court and appellate judges are finding that they can help students to see the positive aspects of law by talking with them face-to-face.[2]

The possible ways that a judge can relate to students are almost endless. The most popular setting for a judge to meet and talk with students is the courthouse where the students can learn about the court system and actually observe legal proceedings. Because of television and movies, most students are somewhat familiar with the appearance and format of trial courts. Trial court judges will be invaluable, however, in distinguishing what really occurs in a courtroom from what is seen on television. Ideally, prior to the courthouse visit the judge would visit the classroom and prepare students for what they may see and hear. Judges should discuss the layout of the courtroom and the various courtroom personnel: the bailiff, the clerk, and the courtroom reporter. The judge should also explain the differences between a criminal and civil case.[3] Obviously, the differences could be the subject of several classroom visits but the judge need only cover the main ones:

1. Names of the parties. In a criminal case the parties are referred to as "The State" and "Defendant." In a civil case the parties are referred to as "Plaintiff" and "Defendant."

2. Burden of proof. More proof is required to find a person guilty of a crime in a criminal case than is required to return a verdict for a plaintiff in a civil case. The crime must be proved "beyond a reasonable doubt." In a civil case, it is only necessary for the plaintiff to prove her case by a "preponderance of the evidence." This burden of proof is easier to prove. It means that it is more likely than not that

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[1] *State Courts and Law-Related Education* by Julie F. VanCamp, published by Phi Alpha Delta.

[2] *The Courts and the Schools,* published by the American Bar Association.

[3] The Missouri Bar has an excellent videotape, *Understanding the Courts: Anatomy of a Criminal Case and Anatomy of a Civil Case*, which explains the difference between the two cases. Although the setting is a Minnesota courtroom, the minor differences between Missouri and Minnesota law and procedures could easily be explained a judge or the teacher. There is an excellent guidebook which accompanies the videotape. The videotape is thirty-four(34) minutes long.

the plaintiff is entitled to relief.

3. Jury. In a criminal case, all twelve(12) jurors must vote to either convict or acquit the defendant or the jury is considered a "hung" jury. In a civil case, nine(9) or more jurors may return a verdict.[4]

4. Forms of judgment. In a criminal case, if a defendant is found guilty, she will be sentenced to a term of years and/or assessed a fine. In a civil case, a plaintiff who wins can be accorded various forms of relief: money, custody of a minor child, land, or a change in a will.

Appellate judges, both federal and state, are excellent LRE resource people. Appellate court decisions have influenced society since the inception of this country and continue to mold and shape the law on both the national and state level. Appellate judges have the opportunity to expand students' concepts about the judicial system beyond the trial court level. Ideally, the students could visit an appellate court in conjunction with an appellate judge's classroom presentation but it is not required for an effective presentation on the appellate courts. If a class is planning to visit an appellate court, if at all possible, an appellate judge should visit a classroom prior to students coming to the appellate court and teach students about the role of appellate courts in the judicial system. The appellate judge would also briefly explain the case(s) that would be argued before the court when the students visit.

The videotape, *Missouri Courts: A Model for the Nation*,[5] could be shown in conjunction with or prior to the judge's visit. This film, featuring Supreme Court Justices Edward D. Robertson and Ann Covington and Governor Mel Carnahan, is an excellent resource about Missouri's court system and clearly explains the relationship between the trial courts and the appellate courts. Another excellent videotape that could be shown prior to or in conjunction with a federal judge's visit is *Interpreting the Law: How the Court Works*. This videotape explains how a case comes to the United States Supreme Court and how the Court decides which cases to hear.[6]

When students come to either the trial or appellate court, judges could meet with them during recesses or after an appellate argument and ask what they would do if they were the jurors or the judge deciding the case. If at all possible, the judge should make a follow-up visit to the classroom to discuss the students' visit and

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[4]These are Missouri standards. Federal judges will want to discuss federal standards and may want to compare and contrast the state and federal judicial systems.

[5]This videotape is available from The Missouri Bar's lending library.

[6]This videotape is available from The Missouri Bar's lending library.

answer their questions.

Another area in which judges could have a great impact in the classroom is helping the students understand constitutional law and how the courts have helped to shape the laws by interpreting the constitution. The Missouri Bar has several videotapes available from its lending library that would provide both the background and springboard for a visit from a judge regarding constitutional issues. These videotapes are listed in the **Resources from The Missouri Bar** section of this guide in *The Missouri Bar Law-Related Lending Library*. There are also lesson plans about various United States Supreme Court Cases can be found in the **Lesson Plan Ideas** section of this guide.

An area that interests almost every student is juvenile justice. Crime and youth is a topic very much on the minds of most people today. Unfortunately, the experts have predicted that the number of youthful offenders will increase dramatically by the turn of the century.[7] Judges have a unique insight to offer students about staying out of trouble and what happens when they don't.

Many schools are now providing opportunities for students to do community service as part of the curriculum or as an extracurricular activity. Judges are very attuned to their communities' needs and problems and could share their observations with the students and give them ideas as to how they could help meet some of these needs and solve some of the problems. Specific areas that judges could address are: legal problems caused by teenage drinking, child abuse, divorce, respect for others' property.

On the following pages is a checklist that may be helpful to a judge preparing for a visit to a classroom. After a classroom visit, it would be helpful and interesting for the judge to share his\her observations about the visit with the Law-Related Education Department of The Missouri Bar, P.O. Box 119, Jefferson City, MO 65102. This information will be helpful in updating this guide and can be shared with other judges preparing for classroom visits.

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[7] "Young, Angry and Lethal." *Newsweek*, December 26, 1994, p.122.

A CHECKLIST FOR JUDGES IN THE CLASSROOM

A. BEFORE VISITING THE CLASSROOM

____Confer with the teacher prior to the visit to make sure that both of you know what is expected.

____Discuss classroom logistics. Ask about classroom rules and about how students will be identified. For example, some teachers have seating charts, others may have name tags for the students.

____If you need audio-visual equipment such as a tape recorder, VCR, overhead projector, etc., ask the teacher if the school has it available for your use.

____Discuss the lesson you plan to teach with the teacher to make sure it fits into the overall curriculum.

____Discuss information about the students with the teacher. Ask about class size, grade level, ability levels(reading, verbal, reasoning, etc.), special needs of students, likelihood of prior personal experience with the legal system and possible situations that you may need to be sensitive for a particular group of students.

____Photocopy any handouts you may want to give to the students. Be sure there to make sufficient copies.

____Review your lesson plan. Be as prepared to teach the lesson as you would be to preside over a case.

B. DURING THE CLASSROOM VISIT

____Teach the lesson you have prepared. Students are masters at getting speakers "off the subject"!

____Be yourself. It is important for students to see judges as human beings who deal with difficult issues every day.

____Watch the time! To complete the lesson you will need to follow the time estimate given in the lesson plan for each activity.

____Follow whatever plan you and the teacher determined would work for the students, yet look to the teacher for modification if necessary. Use the time students are reading or doing small group work to confer with the teacher.

____Be mobile. Circulate around the classroom rather than standing in the front of the room for the entire period.

____Encourage active student participation. Try to involve the entire class by calling on as many students as possible. Do not let one or two students monopolize the entire discussion.

____Make sure the entire class hears other students' comments, questions, and responses. Repeat the information or ask the students to speak more loudly so all can hear.

____Be open to about anything. The minds and interests of students may be a pleasant surprise. Enjoy your time with them.

GUIDELINES

FOR

TEACHERS

GUIDELINES FOR TEACHERS

Teachers should have a clear purpose in mind for inviting a judge to come in as a guest speaker. Possible ways a judge could serve as a resource person for a class are endless. Some examples are:

1. Teaching a lesson on the judicial branch of government. This could be the federal or state judicial system. The Missouri Bar has an excellent videotape in its lending library explaining Missouri's judicial system. The name of the videotape is *The Missouri Court System: A Model for the Nation.* It features Missouri Supreme Court Justices Edward D. Robertson and Ann Covington and Governor Mel Carnahan. This videotape could be shown prior to a visit by a judge or in conjunction with that visit as it runs approximately ten(10) minutes. The Missouri Bar also has an excellent videotape about the federal judicial system[8] entitled *Interpreting the Law: How the Court Works.* This videotape could be shown in conjunction with a visit by a federal judge.

2. Arranging for and preparing students for a visit to the courthouse.

3. Teaching a lesson on constitutional law. The Missouri Bar has several videotapes in its lending library which would provide both the background and a springboard for a lesson on constitutional law. These videotapes are contained in the **Resources from The Missouri Bar** section of this guide. There are also lesson plans about various United States Supreme Court Cases included in the **Lesson Plan Ideas** section of this guidebook.

4. Presiding at a mock trial. Ideas for mock trials are available from The Missouri Bar.

5. Speaking about his/her role as a judge.

6. Speaking about problems in the community and ideas for solving these problems.

7. Speaking about juvenile justice.

8. Explaining the appellate process. This is an area often overlooked by teachers but which is so important to law, both on a national and state level. Because appellate court calendars do not vary as much as circuit courts, arranging for a visit to an appellate court is actually somewhat easier than arranging to see a trial in a circuit court . Appellate courts are located throughout the state and phone numbers for

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[8]The main emphasis of this videotape is on the Supreme Court of the United States but the film does touch upon the entire federal judiciary.

these courts are listed in the government section of most phone books. State appellate courts are located in Kansas City, St. Louis and Springfield. The Western District Court of Appeals is located in Kansas City and occasionally sits in Boone, Randolph and other counties. The Eastern District Court of Appeals is located in St. Louis and occasionally hears cases in Cape Girardeau, Marion and other counties. The Southern District Court of Appeals is located in Springfield and occasionally hears cases in Butler County. The Missouri Supreme Court is located in Jefferson City. The United States Court of Appeals for the Eighth Circuit is located in St. Louis. The staffs of the appellate courts are very friendly and would be able to apprise teachers of where and when the court will be in session..

When arranging for a visit from a judge, the teacher should discuss the following with the judge:

1. The lesson plan to be taught or the presentation to be given.

2. The size, age and abilities of the class.

3. How the judge will be able to identify the students -- name tags, seating charts.

4. The time allotted for the presentation.

5. What audio-visual equipment the judge needs.

6. If there are to be handouts, who will photocopy the handouts for the students.

7. The format of the presentation. For example, it will be helpful to decide whether the students may ask questions only at the end of the program or if the judge will take questions during the presentation.

The teacher also needs to set the stage for the judge's visit with the students. The more prepared the students are for the visit, the more they will gain from the judge's presentation. Teachers should conduct a discussion about how students behave during the judge's visit. Students should be reminded that judges usually preside over very formal proceedings, conducted in an orderly fashion.

When the judge arrives, the teacher should introduce the judge in a manner that is appropriate to the age of the students and which will build respect for the judge. The teacher should set a climate for positive communication between the judge and the class. During the judge's presentation, the teacher should remain in the classroom at all times to assist the judge. The teacher many need to cue students in subtle ways about expected student behavior if a particular student starts to get out of

line, or a teacher might ask a question to help the judge connect his presentation more directly to what the class has been studying. At the end of the presentation, the teacher should point out how the judge's presentation is relevant to what the students are studying. The teacher should also invite the class to share in thanking the judge for taking the time to come and visit the class.

Following the judge's visit, the teacher should engage students in recalling the main points of the judge's presentation and relating it to matters that the students have studied. The teacher should also ask students to reflect on the implications of the judge's ideas for future studies and the significance of the judge's ideas for the students' roles as citizens. Finally, the teacher should involve the class in organizing a way to send a formal letter of thanks to the judge.

On the following pages are forms that may be useful to judges, teachers, and students in preparing for a judge's visit. Teachers should provide these forms to judges.

PREPARATION FORMS FOR A JUDGE'S VISIT TO THE CLASSROOM

For the teacher to fill out and provide to the judge:

Teacher_____

Grade level(s)_____

School_____

Address_____

Phone_____(work)_____(home)

Number of students_____
(If more than one class, list number per class)

Length of class_____

How will the judge's presentation relate to what is being taught in the classroom____

_____

_____

Topic for resource person_____

_____

Goals of judge's presentation_____

_____

Brief summary of the students' background on this topic_____

_____

_____

_____

For the judge to fill out to prepare for a classroom visit:

Teacher_____

Grade level(s)_____

School_____

Number of students_____

Date and time of visit_____

Amount of time allowed for the presentation_____

Topic of presentation_____

Objectives of presentation_____

Materials needed:

Before the visit_____

_____

During the visit_____

_____

Methods and activities planned for teaching the lesson_____

_____

_____

_____

The lesson will be summarized by_____

_____

_____

For the student to fill out prior to a judge's visit:

Student's Name_____

Judge's Name_____

Date of visit_____

Topic of visit_____

Assigned readings_____

_____

_____

Possible questions for the judge:_____

_____

_____

_____

To be completed by the student on the day of a judge's visit:

Notes:_____

_____

_____

_____

_____

_____

_____

_____

More questions_____

_____

_____

_____

After the visit:

What were the major points made by the judge:_____

_____

_____

_____

_____

What did you learn?_____

_____

_____

_____

SUGGESTED LESSON PLAN TOPICS

and

SAMPLE LESSON PLANS

SUGGESTED LESSON PLAN TOPICS

Approximately two-hundred Missouri teachers were surveyed about topics that they would like a judge to address in their classrooms. Below are some of their suggestions.

Topic suggestions about being a judge:

1. Role of judge inside and outside the courtroom
2. The most interesting case a judge has ever heard
3. War stories on criminal cases
4. How a judge interacts with other people in the judicial process.

Topic suggestions about general areas of law:

1. Case method for examining constitutional questions
2. Young people and crime
3. Crime and punishment
4. The jury system
5. Family court
6. Changes needed in the legal system
7. The trial process
8. Missouri's court system
9. Due process
10. Rights and responsibilities of young people
11. Landlord\tenant legal issues

Topic suggestions about specific areas of the law:

1. Second Amendment rulings
2. The death penalty
3. Discussion of cases in the news
4. Rights of criminals and their victims
5. Sexual harassment
6. Immigration policy and law
7. "Three strikes and you are out"
8. Search and seizure
9. Drunk driving
10. Finding lawyers for indigents
11. The "Abuse and Lose It" law
12. Mediation as a way of resolving problems
13. Domestic violence
14. Plea bargaining

15. Religion in schools
16. Victims' rights
17. Automobile accident liability(secondary schools)
18. First Amendment rights

SAMPLE LESSON PLANS

The following pages contain sample plans for a judge-taught lesson. The Missouri Bar has lesson plans and lesson plan resource materials on a wide variety of legal topics. If a judge or teacher is interested in a particular lesson plan for a particular grade level, The Missouri Bar would may be able to assist in preparing the lesson plan. Contact Millie Aulbur, Field Director for Law-Related Education, P.O. Box 119, Jefferson City, MO 65102, 314-635-4128.

The sample lessons in this guidebook follow a format recommended by Thomas J. O'Donnell, Director of Project P.A.T.C.H.(Participatory Awareness Through Community Help). P.A.T.C.H. is an internationally recognized, award winning law-related education program located in Northport, NY. Mr. O'Donnell's suggested format is the "4 Ds"--didactic, drill, do, debrief. The "didactic" portion of a lesson is a brief explanation of the objectives of the lesson and establishing the background for the lesson. The "drill" portion of the lesson is where students receive the information needed to perform the task. For example, in a law-related education lesson, students would be provided with factual information and the law relevant to the task. The "do" portion of the lesson is where students perform the tasks designed to meet the objectives. Finally, the "debrief" portion of the lesson is when the teacher or judge reviews with the students what the lesson was about and asks the students what they learned.

The sample lesson plans in this guidebook are as follows:

1. *Constitutional Issues & Teenagers.* This lesson plans is adaptable for students in Grades 6-12. Before a judge taught this lesson, the students should have one or two class periods discussing The Bill of Rights. This lesson will help student have a better understanding of how the constitution can impact on their lives as teenagers, will help students understand the appellate court system, and will help students realize that legal issues are multi-faceted.

2. *How Are Jurors Chosen.* This lesson plan is adaptable for students in Grades 5-12. This lesson plan explores how citizens are called to jury service and why some people are not eligible for jury service. This lesson will help students understand Missouri's jury system.

3. *Every Bully Has A Right to An Attorney.* This lesson plan is adaptable for students in Grades 5-12. This lesson plan explores the Sixth Amendment Right to

Counsel. This lesson plan will help students realize that even an obviously guilty person and people that cannot afford attorneys are entitled to an attorney under the Constitution.

4. *Introduction to Juvenile Justice.* This lesson plan is adaptable for students in Grades 6-12. This lesson plan helps students understand both their rights and obligations under the law and clarifies some common myths regarding juveniles and the law.

5. *When Juveniles Are Treated as Adults.* This lesson plan is adaptable for students in Grades 6-12. This lesson plan explains how and when juveniles are certified to stand trial as an adult.

6. *You Be the Sentencer!* This lesson plan is adaptable for students in Grades 6-12. This lesson plan allows students to act as sentencing judges. This lesson plan will help students realize that there many factors to consider when sentencing an adult or juvenile who have been convicted of crimes.

7. *With Rights Come Responsibilities.* This lesson plan is adaptable for students in Grades 2-5. This lesson explores with students the idea of what a right is and the responsibilities that come with rights.

FIRST AMENDMENT AND TEENAGERS

Grade levels: 6-12

Objectives: To familiarize students with the appellate process.
To make students aware that there are constitutional issues in many aspects of their lives.
To make students aware of the complexity of constitutional cases.

Before the judge-taught lesson: The students should have studied the Constitution, including the Bill of Rights. The judge and teacher should discuss if it will be possible to quickly convert the classroom into an appellate courtroom during the lesson. The judge may also want to ask the teacher to divide the class into three groups and give the list of groups to judge on the day that the lesson is taught. The groups should be nine judges and the rest of the class divided evenly between the respondent's panel and the appellant's panel.

Materials needed: Appropriate handouts, blackboard and chalk or grease board or a flip chart with writing paper.

DIDACTIC (5-7 minutes): The judge should explain that during this lesson the students are going to learn about a case involving the constitutional rights of individual(s) in high school and that they are also going to learn about the appellate process. The judge or teacher may want to provide the students with Handout #1, which is a simplified Bill of Rights, as a means of review. The judge should then distribute the fact sheet about the case that the judge has chosen to teach. Although a teacher or judge may choose any case for these activities, there are three famous cases which work well: ***New Jersey v. T.L.O.,*** 469 U.S.325, 105 S.Ct. 733, 83 L.Ed.2d 720(1984); ***Bethel School District v. Fraser,*** 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549(1986); and ***Hazelwood School District v. Kuhlmeir***, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592(1988).

New Jersey v. T.L.O. On March 7, 1980, a teacher at Piscataway High School in New Jersey found two girls smoking in a restroom. Since this was a violation of school rules, the teacher took the two students to the principal's office. The assistant vice principal questioned the two girls separately. One student admitted she had been smoking. However, T.L.O. denied that she had been smoking in the restroom and claimed she did not smoke at all. The assistant vice principal then asked to see T.L.O.'s purse. When he opened the purse he found a pack of cigarettes and also noticed a package of rolling papers which the vice principal knew were associated with marijuana use. He then searched the purse more thoroughly and found a small quantity of marijuana, a pipe, several empty plastic bags, a substantial amount of money, a card that appeared to be a list of students who owed T.L.O. money, and two letters that implicated T.L.O. in marijuana dealing.

Thereafter, the State of New Jersey brought delinquency charges against T.L.O. in Juvenile Court. The Juvenile Court denied T.L.O.'s motion to suppress the evidence found in her purse. The Juvenile Court held that although the Fourth Amendment applied to searches by school officials, that the vice principal's search of her purse was reasonable. The New Jersey Supreme Court reversed the Juvenile Court's finding that the search of the purse was unreasonable. The United States Supreme Court held that students are entitled to the same protection of the law as every other citizen and that school officials may conduct searches without a warrant if they have "probable cause" to believe that the subject being searched is violating or has violated the law or the rules of the school. The United States Supreme Court found that the search of T.L.O.'s purse was reasonable because the vice principal had reliable information from a teacher that T.L.O. had violated school laws.

Case 2--***Bethel School v. Fraser***. Matthew Fraser was a student at Bethel High School. On April 26, 1983, he gave a speech to around 600 high school students, nominating another student as a school officer. The students could either attend the assembly or go to study hall.

There was a rule against obscene or profane language at Bethel High School. Matthew Fraser had shown his speech to two of his teachers before he gave it. They warned him that it was inappropriate, that he probably should not give it, and that he would probably get in trouble if he did. Matthew gave the speech anyway, just as he had written it. It contained suggestive language that would be offensive to many people. The following is the entire text of Fraser's nominating speech:

> *I know a man is who is firm--he's firm in his pants, he's firm in his shirt, his character is firm--but most of all his belief in you, the students of Bethel, is firm. Jeff Kuhlman is a man who takes his point and pounds it in. If necessary, he'll take an issue and nail it to the wall. He doesn't attack things in spurts--he drives hard, pushing and pushing until he finally succeeds. Jeff is a man who will go to the very end and even the climax, for each and every one of you. So vote for Jeff for ASB vice-president--he'll never come between you and the best our high school can be.*

The speech drew a variety of responses. Students hooted and hollered, some seemed embarrassed, and some were seen making what appeared to be sexual gestures. As a result of the speech, one teacher reported that ten minutes of her class time was taken up with discussion of the speech. No other evidence of disruption of the educational process was reported.

The day after he delivered the speech, Fraser was asked to report to the assistant principal's office and to produce a copy of the text of his speech. At the meeting, Fraser was given notice that he was being charged with violating the school's rule prohibiting disruptive conduct. Disruptive conduct was defined as conduct which materially and substantially interfered with the educational process, including the use of obscene, profane language or gestures.

After he was given an opportunity to explain his conduct, Fraser was suspended for three days. Fraser, who was a member of the Honor Society and the debate team and the recipient of the "Top Speaker" award in statewide debate championships for two consecutive years, was also informed that his name would be removed from a previously approved list of candidates on the ballot for graduation speaker. Even though his name was stricken from the ballot, he was elected a graduation speaker by his classmates on a write-in vote, receiving the second highest number of votes cast. The school district, nevertheless, continued to deny him permission to speak.

Fraser sued the school district in the federal court, alleging that the school had violated his First Amendment right of freedom of speech. The Federal District Court held that the school's actions violated Fraser's First Amendment right to free speech. The United States Court of Appeals for the Ninth Circuit affirmed the District Court's opinion. However, the United States Supreme Court reversed the lower courts, holding that it is a "highly appropriate" function of public school education to prohibit vulgar and offensive terms in public discourse and that Fraser's "offensively lewd and indecent speech" was not protected by the First Amendment. The Court also made it clear that Fraser was warned by two teachers that his speech was inappropriate and, therefore, there was no due process violation in punishing him for his actions.

Case 3--***Hazelwood School District v. Kuhlmeir.*** The student newspaper at Hazelwood East High School in St. Louis County was published by the members of the Journalism II class. The students acted as editors with some oversight by the teacher. The principal of the school would read the typeset copy before it went to press. School Board policy said, "school-sponsored student publications will not restrict free expression of diverse viewpoints within the rule of responsible journalism."

For one particular issue, the students had written two articles that met with the disapproval of the principal: (1) an article on teenage pregnancy which had quotes from unnamed students about sexual activity and birth control methods.
The principal thought the pregnant students could be identified by the text of the article and thought the article was inappropriate for younger students; and (2) an article about divorce that quoted, by name, a student who said her father did not spend enough time with the family before the divorce and was always out of town on business. The principal thought that the quoted student's parents should have had the opportunity to comment on the article or to consent to it before publication. Due to the

principal's claim that there was not enough time left in the school year to carry out major revisions or reviews of the articles, he did not give the editors the opportunity to revise the articles. The principal ordered that the two articles be deleted from the newspaper.

The student editors sued the school district in federal court, alleging that their First Amendment freedom of the press right had been violated. The Federal District Court held that no First Amendment violation occurred when the principal ordered that the articles be deleted. The United States Court of Appeals for the Eighth Circuit, however, reversed the district court, finding that there had been a violation. The United States Supreme Court held that there had been no First Amendment violation because a "school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school." The United States Supreme Court further held that school facilities may be deemed to be public forums only if the school has opened its facilities for "indiscriminate use by the general public." Since the Hazelwood School District did not open its facilities to the public at large, its student newspaper was not considered a public forum, and, therefore not entitled to the same First Amendment protection as a public newspaper.

DRILL(10 minutes): The judge and teacher should then distribute the handout for the case that the judge has chosen for this lesson. (Handouts on the cases are at the end of this lesson.) The judge should then ask the students to read only the section marked Facts of the Case. After the students have had time to read the facts, the judge should ask the students to summarize the important points in the factual account and write these points on the board, grease board, or flip chart. The judge should then ask the students if they think any of the rights mentioned in the Bill of Rights are involved in this case. If students do not recognize the constitutional issue in the fact pattern, the judge may want the students to review the handout on the Bill of Rights.

After discussing the facts and constitutional issues in the case, the judge should have the students read the section in the handout on how the case progressed through the lower courts prior to being heard in the United States Supreme Court. The judge should then ask the students to briefly summarize the history of the case before it was heard in the Supreme Court.

DO(25 minutes): The judge should then tell the students that they are going to have a mock appellate hearing before a mock Supreme Court. The judge should very briefly explain the various parties and their roles at an appellate hearing: the judges, the respondent, and the appellant. The judge may also want to explain that all appellate cases are heard and decided by judges, not juries.

The judge should then divide the class into three groups, using the list the

teacher has prepared in advance. After each group has formed, the judge should direct the students to the Issues to Consider section of the handout. For the respondent and appellant groups, the judge should tell the students that they should work together on an argument to present to the Court that tells their side of the case. Each group should choose one person to give the actual oral argument to the Court. Each side will have five minutes for argument. The judges' panel should be directed to prepare questions for both sides. Tell the students that they have 10-12 minutes to prepare their presentation.

While the groups are meeting, the judge and the teacher should circulate among the groups, offering assistance where needed. When all the groups seem to be working well together, the judge and teacher should quietly arrange the room for the appellate argument.

The student-judges and students giving the arguments should be asked to take their places in the mock courtroom. One student should be asked to be the timer. The judge should stress that time limitations are important in an appellate argument. The student timer should be instructed to give a signal when only one minute remains in the time allotted for argument and to signal again when no time remains.

At the end of the argument, the judge should have the judges very quickly raise their hands as to how they would vote on the case.

DEBRIEF(3-5 minutes): The judge should ask the students what they learned and summarize the main points which should include how constitutional rights are sometimes limited in a school setting and how appellate courts work. The judge should also tell the students what the Supreme Court held in the case.

ENRICHMENT:

1. After the judge-taught lesson, the teacher and student could use the other cases in this lesson and prepare mock appellate hearings. Students may want to present the arguments to other classes or to their parents. For the a presentation to the parents, perhaps the judge could arrange for the mock appellate hearing to take place in an actual courtroom.

2. A trip to an appellate court to observe appellate arguments would be appropriate both before and after the judge-taught lesson. The teacher should obtain a copy of the court's docket prior to the visit and ask the court personnel if a summary of the ca$es to be argued is available for the students to preview.

SIMPLIFIED BILL OF RIGHTS

First Amendment--This amendment guarantees the right of freedom of religion, freedom of speech, freedom of press, freedom for people to assemble peaceably, and freedom for people to petition the government for change.

Second Amendment--This amendment states that, in order for there to be a prepared state military, people are guaranteed the right to keep and bear arms.

Third Amendment--This amendment states that the government cannot force people to house and feed soldiers in their homes during times of peace.

Fourth Amendment--This amendment states that people, their homes and their belongings are protected from unreasonable searches or seizures by the government, including law enforcement officers. Even a reasonable search or seizure usually requires a proper search warrant. A proper search warrant may not be issued by a court unless there is probable cause that the person or place to be searched or the thing to be seized is involved in a crime.

Fifth Amendment--This amendment guarantees a person accused of a serious crime the right not to be forced to testify against himself or herself. This amendment also guarantees that a person who is found not guilty of a crime will not be tried for this crime again.

Sixth Amendment--This amendment guarantees a person accused of a crime a speedy trial by a fair and impartial jury and the right to hear and see witnesses against him\her. This amendment also guarantees the accused that the accused will know with what crime he\she is charged and guarantees the right to a lawyer.

Seventh Amendment--This amendment guarantees a trial by a jury in a civil case.

Eighth Amendment--This amendment guarantees that excessive bail and excessive fines will not be given and that punishment will not be cruel and unusual.

Ninth Amendment--This amendment states that the people have other rights that are not stated in the Constitution.

Tenth Amendment--This amendment states that the people have all the rights not given to the government.

NEW JERSEY v. T.L.O.

Facts of the Case

On March 7, 1980, a teacher at Piscataway High School in New Jersey found two girls smoking in a restroom. Since this was a violation of school rules, the teacher took the two students to the principal's office. The assistant vice principal questioned the two girls separately. One student admitted that she had been smoking. However, T.L.O. denied that she had been smoking in the restroom and claimed she did not smoke at all. The assistant vice principal then asked to see T.L.O.'s purse. When he opened the purse he found a pack of cigarettes and also noticed a package of rolling papers which the vice principal knew were associated with marijuana use. He then searched the purse more thoroughly and found a small quantity of marijuana, a pipe, several empty plastic bags, a substantial amount of money, a card that appeared to be a list of students who owed T.L.O. money, and two letters that implicated T.L.O. in marijuana dealing.

What Happened in State Court

Thereafter, the State of New Jersey brought delinquency charges against T.L.O. in Juvenile Court. The Juvenile Court denied T.L.O.'s request not to allow the things in her purse to be used as evidence against her. She argued that the vice-principal had no right to look in her purse and, therefore, her Fourth Amendment right to be free from unreasonable searches and seizures had been violated. The Juvenile Court held that although the Fourth Amendment applied to searches by school officials, that the vice-principal's search of her purse was reasonable. The New Jersey Supreme Court reversed the Juvenile Court and found that once the vice-principal had found the cigarettes in T.L.O.'s purse, the search should have ended and there should have been no further exploration of the purse. Thus, a complete search of the purse was unreasonable.

Issues to Consider

1. Appellant is the state of New Jersey. Appellant will want to argue that the vice-principal's search of the purse was reasonable because the vice-principal had been told by a teacher that T.L.O. had been smoking, which is against school rules.

2. Respondent is T.L.O. Respondent will want to argue that the vice-principal had no probable cause to believe that T.L.O. had committed a crime when he searched her purse. Respondent may further want to argue that even if the vice-principal had the right to search T.L.O.'s purse for cigarettes that the search should have ended when the cigarettes were found.

3. Some other questions for the judges and both parties to consider:

   a. Do students have the same rights as every other citizen while the student is at school?
   b. Law enforcement officers must have "probable cause" to believe a crime has been committed to conduct a search. Should school officials have to right to conduct a search on the grounds that a school rule has been broken?
   c. Do schools have a special responsibility to make sure the school environment is free of crime?
   d. If the Court should find that the vice-principal's search of T.L.O.'s purse was reasonable, does this open the door to school administrators randomly searching students' lockers, desks and belongings?

Bethel School v. Fraser

Facts of the Case

Matthew Fraser was a student at Bethel High School. On April 26, 1983, he gave a speech to around 600 high school students, nominating another student as a school officer. The students could either attend the assembly or go to study hall.

There was a rule against obscene or profane language at Bethel High School. Matthew Fraser had shown his speech to two of his teachers before he gave it. They warned him that it was inappropriate, that he probably should not give it, and that he would probably get in trouble if he did. Matthew gave the speech anyway, just as he had written it. It contained suggestive language that would be offensive to many people. The following is the entire text of Fraser's nominating speech:

> *I know a man is who is firm--he's firm in his pants, he's firm in his shirt, his character is firm--but most of all his belief in you, the students of Bethel, is firm. Jeff Kuhlman is a man who takes his point and pounds it in. If necessary, he'll take an issue and nail it to the wall. He doesn't attack things in spurts--he drives hard, pushing and pushing until he finally succeeds. Jeff is a man who will go to the very end and even the climax, for each and every one of you. So vote for Jeff for ASB vice-president--he'll never come between you and the best our high school can be.*

The speech drew a variety of responses. Students hooted and hollered, some seemed embarrassed, and some were seen making what appeared to be sexual gestures. As a result of the speech, one teacher reported that ten minutes of her class time was taken up with discussion of the speech. No other evidence of disruption of the educational process was reported.

The day after he delivered the speech, Fraser was asked to report to the assistant principal's office and to produce a copy of the text of his speech. At the meeting, Fraser was given notice that he was being charged with violating the school's rule prohibiting disruptive conduct. Disruptive conduct was defined as conduct which materially and substantially interfered with the educational process, including the use of obscene, profane language or gestures.

After he was given an opportunity to explain his conduct, Fraser was

suspended for three days. Fraser, who was a member of the Honor Society and the debate team and the recipient of the "Top Speaker" award in statewide debate championships for two consecutive years, was also informed that his name would be removed from a previously approved list of candidates on the ballot for graduation speaker. Even though his name was stricken from the ballot, he was elected a graduation speaker by his classmates on a write-in vote, receiving the second highest number of votes cast. The school district, nevertheless, continued to deny him permission to speak.

What Happened in the Lower Federal Courts

Fraser sued the school district in the federal court, alleging that the school had violated his First Amendment right of freedom of speech. The Federal District Court held that the school's actions violated Fraser's First Amendment right to free speech. The United States Court of Appeals for the Ninth Circuit affirmed the District Court's opinion.

Issues to Consider

1. Appellant is Bethel School. Appellant will want to argue that the school had a rule against the use of obscene language and that respondent had been warned that his speech was in violation of that rule. Appellant will want to argue that a school has a special interest in protecting students from lewd and offensive language or conduct.

2. Respondent is Matthew Fraser. Respondent will want to argue that in the case of ***Tinker v. Des Moines Independent Community School District***, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d. 731(1969) the Supreme Court held that a student's First Amendment right to free speech does not end at the school door and that a student has the right to express his\her political beliefs. Respondent will also want to argue that he had no notice that the school officials would react so harshly to his speech.

3. Some other issues to consider:
   a. Where does a student's right to free speech end and a school's right to teach appropriate behavior begin?
   b. Does the right of free speech depend on the audience? Does it make a difference that the audience in this case was a student audience? Does it make a difference that the students at Bethel School were required to come to this assembly?
   c. Does it make a difference that Matthew Fraser was warned by two teachers that the speech may be inappropriate?
   d. Was the punishment too harsh?

Hazelwood School District v. Kuhlmeir

Facts of the Case

The student newspaper at Hazelwood East High School in St. Louis County was published by the members of the Journalism II class. The students acted as editors with some oversight by the teacher. The principal of the school would read the typeset copy before it went to press. School Board policy said, "school-sponsored student publications will not restrict free expression of diverse viewpoints within the rule of responsible journalism."

For one particular issue, the students had written two articles that met with the disapproval of the principal: (1) an article on teenage pregnancy which had quotes from unnamed students about sexual activity and birth control methods. The principal thought the pregnant students could be identified by the text of the article and thought the article was inappropriate for younger students; and (2) an article about divorce that quoted, by name, a student who said her father did not spend enough time with the family before the divorce and was always out of town on business. The principal thought that the quoted student's parents should have had the opportunity to comment on the article or to consent to it before publication. Due to the principal's claim that there was not enough time left in the school year to carry out major revisions or reviews of the articles, he did not give the editors the opportunity to revise the articles. The principal ordered that the two articles be deleted from the newspaper.

What Happened in the Lower Federal Courts

The student editors sued the school district in federal court, alleging that their First Amendment freedom of the press right had been violated. The Federal District Court held that no First Amendment violation occurred when the principal ordered that the articles be deleted. The United States Court of Appeals for the Eighth Circuit, however, reversed the district court, finding that there had been a violation.

Issues to Consider

1. Appellant is the Hazelwood School District. Appellant will want to argue that the student newspaper was not a public forum and that the newspaper was part of a journalism class. Appellant will want to argue that the articles that the students wanted to print did not meet the standards of the journalism class. Appellant will want to argue that schools have a need to screen materials for appropriateness for its students.

2. Respondents are the journalism students. Respondents will want to argue that in the case of ***Tinker v. Des Moines Independent Community School District***, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d. 731(1969) the Supreme Court held that a student's First Amendment right to free speech does not end at the school door. Respondents will want to argue that the articles would not have caused disruptive behavior and that the articles did not contain lewd or suggestive materials.

3. Other issues to consider:
   a. Should the principal have worked with the students rather that just not allowing any part of the articles to be printed?
   b. Are school journalists entitled to the same protection that other journalists enjoy?
   c. If a school newspaper is not part of a journalism class, would that make a difference?
   d. If the school newspaper allowed advertisements from outside businesses, would the newspaper then be a "public forum?"
   e. Should the school be allowed to consider the maturity of the students who will be reading the newspaper in making its decision as to which articles are suitable for publication?

HOW ARE JURORS CHOSEN?

Grade level(s): 5-12

Objectives: To make students aware that a criminal defendant has a constitutional right to a fair and impartial jury.

To familiarize students with Missouri's jury selection process.

Before the judge-taught lesson: No special preparation is required. The teacher may want to have the students ask their parents about their experiences with jury service prior to the judge's visit.

Materials needed: Sufficient handouts.

DIDACTIC (5-7 minutes): The judge should explain that the lesson will be about how jurors are chosen in Missouri. The judge should ask the students if they know what a jury is and ask what they know about juries. The judge may want to ask the students if any of their parents have ever served on a jury.

DRILL(10-15 minutes): The judge and teacher should distribute Handout #1, which is the text of the Sixth Amendment. The judge should read through the Sixth Amendment with the students and have them highlight the language that shows that a criminal defendant has a constitutional right to a fair and impartial jury. The judge should help students come to an understanding of the word "impartial". The judge may also want to inform the students that serving as a juror is both a citizen's right and responsibility.

DO(25 minutes): The judge should tell the students they are going to do three activities which look at how Missouri tries to provide criminal defendants with a fair and impartial jury. Before beginning the activities, the judge should explain to the students how citizens in the judge's county are selected for the jury pool. For example, in most counties there is a jury commission made up of officials from the various county offices. The judge should also explain such words as "peers" and "fair cross-section" before beginning the following activities.

Activity #1

VOTER REGISTRATION LISTS VS. DRIVERS' LICENSE HOLDERS

In the past, most counties used their voter registration lists for their jury pools. However, in recent years, the trend has been for the jury pool to be drawn from a combination of registered voters and licensed drivers in that county so that the jury

pool represented a fairer cross-section of the citizens in that county. The following questions should assist the judge in developing a dialogue with the students about how potential jurors are selected in Missouri:

1. What are good reasons for using only the list of registered voters as a source for potential jurors?(Example: Registered voters are responsible citizens in that they have registered to vote.)

2. What are good reasons for using a combination of licensed drivers and registered voters?(Example: More people to serve as jurors and probably a better cross-section of the community.)

3. Why not just use licensed drivers?(Example: This method would exclude people who are unable to drive for some reason but who could still be qualified for jury service i.e. an individual with physical handicaps who could not drive.)

4. What are some other possible sources for getting names for the jury pool? What are the advantages of these lists? The disadvantages?

Activity #2

WHO CANNOT SERVE AS A JUROR?

The judge may want to bring a sample juror questionnaire to the classrooms or may use Handout #2 which contains the questions that are on all jury questionnaire forms used in Missouri in order to conform with Section 494.425 RSMo 1994. Handout #2 contains the following information. Have the students pretend they have been called to jury duty and fill out the forms.

After the students have filled out the forms, the judge should ask the students why they think potential jurors are asked to give this information. After the judge has established that individuals who are in the categories on the form cannot be jurors in Missouri, several follow-up questions could be asked:

1. Why do you think these categories of people are not eligible for jury service in Missouri?

2. Which categories do you think are unfair or should be eliminated?

3. Can you think of other categories that should be included?

Activity #3

WHO IS AUTOMATICALLY EXCUSED FROM JURY SERVICE?

The judge should explain to the students that some people are automatically excused from jury duty. The judge should distribute Handout #3, which contains the information found on all jury questionnaires used in Missouri in accordance with Section 494.430 RSMo 1994. The judge should inform the class that these categories of people can be excused from jury service by merely requesting that the jury selection official remove them from the list while other must go to court and made a request of the judge that they be excused from juror duty.

After the students review Handout #3, the judge should ask the following questions:

1. Why do you think these categories of people are automatically excused from jury duty?

2. Which ones would you change? Why?

3. Would you add others? Why?

DEBRIEF: The judge should ask the students what they have learned and summarize the lesson.

ENRICHMENT:

1. The judge may want to address the problem of people who do not respond to a summons to come to jury duty. Currently, an individual who does not respond to a call for jury duty will be fined $250.00. Discuss whether this is a fair punishment. What changes would the students make? Have the students discuss why an individual might not want to respond?(Example: As in the O.J. Simpson case, the jurors might be sequestered for months.)

2. The judge may want to tell the students his\her opinion of what characteristics makes a good juror.

SIXTH AMENDMENT

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, ***by an impartial jury*** of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses in his favor, and to have the Assistance of Counsel for his defense.

SAMPLE JUROR QUESTIONNAIRE

If any of the following apply, check the appropriate line:

____I am not a United States citizen.

____I am unable to speak, read, or understand English.

____I am not a _____County resident.
(fill in county in which the court is located)

____I was convicted of a felony and rights have not been restored.

____I am a licensed attorney at law.

____I am on active duty in the armed forces.

____I am under age 21.

(In accordance with Section 494.425 RSMo 1994)

SAMPLE JUROR QUESTIONNAIRE

Please check if any of these apply:

____I am licensed and practicing medicine.

____I am performing the duties of a clergyman.

____I am licensed and practicing chiropractic

____I am a pharmacist

____I am licensed and practicing dentistry

____I served as a juror within the last 12 months.
Approximate date_____

____I am licensed and practicing osteopathy.

By statute any persons checking any of the categories above may be excused upon request, do you want to be excused?_____

(In accordance with Section 494.430 RSMo 1994)

EVERY BULLY HAS A RIGHT TO AN ATTORNEY

(A Lesson on the Sixth Amendment Right to Counsel)

Grade level(s): 5-12

Objectives: To familiarize students with the Sixth Amendment Right to Counsel.

Before the judge-taught lesson: No special background is required for this lesson. However, an excellent videotape, which is available for free from The Missouri Bar's lending library, to show as background for this lesson is *Gideon v. Wainwright* (thirteen minutes). This videotape tells about the United States Supreme Court case that held that all criminal defendants had the right to an attorney, regardless of the seriousness of the crime and regardless of the defendant's ability to pay for an attorney.

Materials needed: Sufficient handouts.

DIDACTIC(5-7 minutes): The judge should explain that the lesson is about the constitutional right to counsel for someone accused of a crime. The judge may want to tell the students that one of the hardest legal concepts for people to understand is the idea that a person who is obviously guilty of a crime must have an attorney, especially when the accused person cannot afford counsel.

DRILL(5-7 minutes): The judge and\or the classroom teacher should distribute Handout #1, which contains the text of the Sixth Amendment and has the section on the right to counsel highlighted. The judge should establish that the students know what the Bill of Rights are and that the Sixth Amendment is part of the Bill of Rights. The judge should explain to the students that, over time, the United States Supreme Court has interpreted the Sixth Amendment as including the right for anyone accused of a crime in the United States to be effectively represented by counsel. If a person accused of a crime cannot afford an attorney, the court will appoint a government paid attorney to represent the criminal defendant. In other words, "even the worst bully in town" is entitled to have an attorney represent him or her during criminal proceedings. It also would be appropriate and helpful if the judge would briefly explain the role of Missouri's Public Defenders Office.

DO(30-35 minutes): The judge should explain to the students that they are going to be asked to role play a hearing for an individual accused of the crime of selling drugs to children. In the first play, the defendant will not have an attorney present and the judge will not recognize his\her right to have an attorney present. In the second play, the defendant will have an attorney. The judge should ask for volunteers to play the various roles. The judge and\or classroom teacher should

distribute the scripts for the plays(Handouts 2 & 3) to the volunteers and ask them to spend a few minutes reading over their lines. While they are reading over their lines, the judge, the teacher, and the rest of the class should quickly and quietly arrange part of the room to resemble a courtroom.

After the students have done the first play, the judge should ask the students if they think the defendant was treated fairly. The judge should also point out that while this situation is probably exaggerated, it is difficult for a non-lawyer to represent himself\herself in a criminal proceeding. After the students have briefly discussed the defendant's treatment, the second play should be performed. The judge should then invite the students' comments about how the situation was different.

The judge should then ask the students the following question: If someone is definitely guilty of a crime and is willing to plead guilty to that crime, why do the courts insist that the defendant have an attorney, especially a defendant who cannot afford a lawyer?

After the students have discussed this topic for a suitable period of time, the judge should summarize the discussion and perhaps offer the following observations: Most criminal defendants, unless they are lawyers, probably know little about the law, or about the rights to which a criminal defendant is entitled while being held in jail, or about court procedures, such as those that deal with examining witnesses. A criminal defendant would be at a great disadvantage trying to answer charges even in a case where the accused may be innocent. Even if it is obvious that a criminal defendant is guilty(caught in the act) or even if the defendant pleads guilty, there are still issues of punishment which an attorney familiar with the system will be able to assist the defendant. For example, with guilty pleas, the court is usually willing to sentence the defendant to a lot less than the maximum punishment allowed by law since the defendant has come forward and admitted to the crime and has saved the court time and money by pleading guilty.

DEBRIEF(5-7 minutes): The judge should ask the students what they have learned and summarize the lesson.

ENRICHMENT:

1. If judge may want to share some interesting stories about an individual who has represented himself or herself.

2. The judge may want to address the issue of why it is not dishonest for a who is representing a criminal defendant, who has told the lawyer that he or she did commit the crime, to tell the court that the defendant pleads "not guilty" to the crime.

3. The judge may want to define what is meant by "effective" counsel. For example, at a minimum, the Courts usually require that "effective" counsel visit with the defendant prior to trial, determine if the defendant wishes to testify at trial, try to locate possible witnesses and cross-examine the state's witnesses during trial.

4. Some other questions that the judge may want to address are as follows:

   a. Must one be a citizen of the United States to be protected by the Sixth Amendment?(No, anyone accused of crime in the United States is entitled to counsel.)

   b. When does the right to counsel begin?(When an accused is arrested and asks for counsel.)

   c. What happens if counsel is found to be ineffective and how often does this happen?(The defendant gets a new trial with a different attorney. This rarely happens.)

NOTE: An excellent follow-up to this lesson would be the showing of the film *Criminal Justice and Defendants' Right to Fair Trial*, part of the film series, *The Constitution: That Delicate Balance*. This sixty(60) minute film features former New York mayor, Ed Koch, Dan Rather and other well-known personalties debating whether a lawyer should defend a guilty person and other issues. This film is available from The Missouri Bar's lending library.

SIXTH AMENDMENT

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses in his favor, ***and to have the Assistance of Counsel for his defense***.

SIXTH AMENDMENT PLAY #1

(Without an attorney)

Setting: Courtroom during the criminal docket

Players: The judge, the bailiff, the defendant(Mary or Martin Smith), the prosecuting attorney, Officer Jones.

Bailiff: The next case is *State of Missouri v. (Mary or Martin) Smith.*

Judge: How do you plead?

Defendant Smith: I am not sure why I was even arrested, your honor.

Judge: Well, you should know that by now. How do you plead?

Defendant Smith: May I talk to a lawyer first?

Judge: Do you have a lawyer?

Defendant Smith: No, not yet. I really don't have any money for a lawyer.

Judge: Too bad. If you want to ask a lawyer a question, ask the prosecutor who is sitting over there.

Defendant: But the prosecutor wants to put me in jail for something!

Judge: Take it or leave it. The prosecutor is the only lawyer around right now.

Defendant: I thought I had a right to my own lawyer.

Judge: Maybe later. Let's get on with the case. Bailiff, call the first witness.

Bailiff: Officer Jones. Officer Jones, do you swear to tell the truth, the whole truth, and nothing but the truth.

Officer Jones: I do.

Prosecutor: Do you recognize Defendant Smith?

Officer Jones: Yes, I do. I arrested him\her for selling drugs to kids when they were on their way home.

Prosecutor: Tell us about the arrest.

Officer Jones: Well, I was walking near Central School about the time school let out and I saw Defendant Smith walking down the street. I stopped the defendant and asked him\ her what he\ she thought about Michael Jordan. The defendant said that Michael Jordan was not nearly as good at basketball that everyone thought he was. That made me mad because I really like Michael Jordan. To show the defendant who was boss, I just frisked him\ her right there. I did not find anything but I noticed needle marks right away on his\ her arm.

Defendant: I am a diabetic. I take two insulin shots a day.

Judge: You'll get your chance to talk. For now, though, let the prosecutor tell the State's case.

Defendant: But I don't want to testify.

Judge: Why? Are you guilty?

Prosecutor: Of course, he\she is guilty. Just listen to my witness. Please continue, Officer.

Officer Jones: When I saw the needle marks, I knew I had a drug pusher. I arrested Defendant Smith and took him\ her to jail. I handcuffed him\ her to my chair at the police department until he\ she pleaded guilty to selling drugs to kids.

Defendant: May I ask Officer Jones a question?

Judge: Yes.

Defendant: Officer Jones, you made up this whole story just because I am not Michael Jordan's #1 fan, didn't you?

Officer Jones: Don't be ridiculous!

Judge: I have heard enough. I am sending you back to jail and you will go on trial for being a drug dealer.

Defendant: Will you tell me what will happen if I am found guilty?

Judge: It depends on your past record. I am not inclined to be lenient with drug dealers.

SIXTH AMENDMENT PLAY #2

(With an attorney)

Setting: Courtroom during the criminal docket

Players: The judge, the bailiff, the defendant(Mary or Martin Smith), the prosecuting attorney, defense attorney, Officer Jones.

Bailiff: The next case is *State of Missouri v. (Mary or Martin) Smith.*

Judge: How do you plead?

Defendant Smith: Not guilty.

Judge: Are you represented by an attorney?

Defendant: Yes, your honor, I am.

Judge: Bailiff, call the first witness.

Bailiff: Officer Jones. Officer Jones, do you swear to tell the truth, the whole truth, and nothing but the truth.

Officer Jones: I do.

Prosecutor: Do you recognize Defendant Smith?

Officer Jones: Yes, I do. I arrested him\ her for selling drugs to kids when they were on their way home.

Prosecutor: Tell us about the arrest.

Officer Jones: Well, I was walking near Central School about the time school let out and I saw Defendant Smith walking down the street. I stopped the defendant and asked him\ her) what he\ she thought about Michael Jordan. The defendant said that Michael Jordan was not nearly as good at basketball that everyone thought he was. That made me mad because I really like Michael Jordan. To show the defendant who was boss, I just frisked him \ her right there. I did not find anything but I noticed needle marks right away on his\ her arm and I knew I had a drug pusher.

Defense attorney: Objection. There is no evidence that the marks on my client's arm were caused by drug use.

Judge: Sustained. Officer Jones do not call Defendant Smith a drug pusher. That has not been established by the evidence.

Prosecutor: Continue, Officer Jones.

Officer: I arrested Defendant Smith and took him\her to the police station. There were no holding cells empty so I handcuffed him \her to my chair. I kept him\her there until he\she admitted that he\she had sold drugs to school kids.

Defense attorney: Objection. This confession was forced from my client.

Judge: Sustained. Do not talk about what happened at the police department.

Prosecutor: No more questions. I just want to thank Officer Jones for keeping our streets free from these drug dealers..

Defense attorney: Objection, your honor. The prosecutor's opinion of Officer Jones is not important.

Judge: Sustained. Prosecutor, one more remark like that and I will hold you in contempt of court.

Prosecutor: Yes, your honor.

Judge: Would you like to cross-examine the witness?

Defense attorney: Yes, your honor. Officer, isn't it true that the only reason that you searched my client was because you were mad about the Michael Jordan business?

Officer Jones: Yes, but...

Defense attorney: A simple yes or no answer is fine. Isn't is true that when you discovered the needle marks on Defendant Smith's arm that the defendant explained that he\she was a diabetic.

Officer Jones: Yes.

Defense attorney: Isn't it true that you are considered one of Michael Jordan's biggest fans?

Officer Jones: Yes.

Defense attorney: And isn't it true that you were really angry with my client for not thinking Michael Jordan was the greatest?

Officer Jones: Well, yes.

Defense attorney: Your honor, I move to dismiss this case. It is clear that my client was searched and arrested merely because he\she does not hold the same opinion of Michael Jordan that Officer Jones does?

Judge: Motion granted. Case dismissed.

AN INTRODUCTION TO JUVENILE JUSTICE

Grade level(s): 6-12

Objectives: To familiarize students with the juvenile code in Missouri.
To make students aware of their rights and responsibilities as juveniles.

Before the judge-taught lesson: No special background is required for this lesson. In order to facilitate the lesson, however, the teacher should have the students complete Handout #1, *Opinion Poll on Juvenile Law*, prior to the judge's visit, collect them, and then redistribute them to the students at the beginning of the judge-taught lesson. The teacher should assure the students that they will not be graded on their answers.

Materials needed: Sufficient handouts. The judge and\or teacher may want to obtain copy for each student of the brochure, *Juveniles and the Law* , available at no charge from The Missouri Bar, P.O. Box 119, Jefferson City, MO 65102, 314 635-4128.

DIDACTIC(2 minutes): The judge should explain that this lesson will explore the criminal laws in Missouri as to how they affect juveniles.

DRILL(5-7 minutes): The judge should spend some time establishing what is meant by a juvenile or a minor under Missouri law. The judge should tell the students that when they are considered juveniles and when they are considered adults under the law varies with the circumstance. Some of the areas that the judge may want to explore with the students are as follows:

*You must be 21 to possess, use, or buy alcoholic beverages.

*You must be 21 to serve on a jury.

*You must be 18 to get married without your parents permission. If you are under 15, you must receive permission from a judge to get married.

*You may vote at 18.

*At age 18, you may sue someone in court and someone may sue you.

*You may make a will, sign a contract and sign a lease at age 18.

*At age 18, if you are a male, you must register for military service.

*You must be at least age 18 to consent to your own medical treatment. If you are

under 18 years of age, you must have your parents' permission for any kind of medical treatment, including abortion. There are a few exceptions to this law. Some hospitals or clinics allow you to consent to your own testing and treatment for pregnancy, sexually transmitted diseases, drug and alcohol abuse, or AIDS at any age. Others allow you to consent to your own treatment only if you have reached age 13. If you are younger than 18 but are married or in the military, you are considered emancipated, or on your own, and you may seek medical treatment without your parents' permission.

*At age 16, you may get a driver's license; at 15 1\2, you may get a special license to drive with your parents or guardian.

*Age 15 1\2, you are treated as an adult under Missouri's traffic laws.

*At any age, if you are the victim of a crime, you have the right to be paid for damages done to you and to attend any hearings and trials about a case arising from the crime. If the person who committed the crime against you is a juvenile, you may attend the hearings in juvenile court. If the person who committed the crime against you is an adult or will be tried as an adult, you may go to the hearings and the trial in circuit court.

The judge should then inform the students that they are going to do an activity that will help them understand how the criminal code applies to them.

DO(35 minutes): The judge should ask the students to look at their responses to the statements in Handout #1, *Opinion Poll on Juvenile Law.* The judge should go over each item with the students, first polling the class as to how many agree, disagree or are undecided about the statement. The judge should then tell the students what the current law in Missouri is. Before going onto the next item, the judge could invite the students questions and comments on that particular topic and\or share an experience related to that particular topic.

1. **Statement: Hitchhiking, although dangerous, is not a crime**.

True. Hitchhiking, per se, is not a crime. However, the Missouri Highway Patrol routinely checks on all hitchhikers and, if they are juveniles, returns them to their homes. Furthermore, the juvenile authorities could charge a juvenile with a "status" crime. A status crime is an act that is not a criminal act for an adult but is for a juvenile. For example, running away from home is a status crime. Thus, if a hitchhiker is a runaway, he\she would be breaking the law. Another status crime is acting in a way that is injurious to one's health. In some instances, hitchhiking might be considered injurious to one's health. Note: Although not illegal, the judge may want to stress the perils of hitchhiking.

2. **Statement: As to the criminal code, a juvenile is anyone under the age of 17.**

True. Under Missouri law, a juvenile is defined as anyone under the age of 17. See Chapter 211, RSMo 1994.

3. **Statement: It is not a crime to set an abandoned house on fire.**

False. Burning a building, even an abandoned one, is Second Degree Arson, a Class C felony, Section 569.050 RSMo 1994. An adult convicted of a Class C felony can be imprisoned up to seven(7) years and fined up to $5,000. At this point, the judge should explain that any act that is a crime for a person seventeen(17) and over is also a crime for a juvenile. There are also other crimes involving burning. Under 569.055, a person is guilty of a Class D felony if he\she knowingly burns or causes an explosion which damages another's property. A Class D felony is punishable by a prison sentence of up to five(5) years and a fine of up to $5,000. Under 569.060, 569.065 and 569.067, other acts of burning are prohibited. Discussing these crimes certainly impresses upon students that pranks with fires or fireworks can constitute criminal behavior.

4. **Statement: If a juvenile is caught with either alcohol or illegal drugs it is up to the judge whether the juvenile loses his\her driver's license for one year.**

False. Missouri's Abuse and Lose It Law(Section 577.500 RSMo 1994) clearly states that anyone who is found guilty of or pleads guilty to any alcohol or drug related offense shall have his\her license revoked for one year. In other words, the judge must revoke the license of anyone is found guilty of any drug or alcohol related offense and who is under twenty-one years of age. Alcohol and drug related offenses include consumption of, sale of, or possession of alcoholic beverages and illegal drugs.

5. **Statement: When a juvenile is stopped by a police officer, the juvenile has the right to remain silent and ask for an attorney.**

True. In addition, a juvenile may not be held for more than twenty-four(24) hours without a petition being filed with the juvenile court. Furthermore, a juvenile taken into custody must be read the Miranda rights.

6. **Statement: It is not a crime to hide a stolen item for a friend if you have not participated in stealing that item.**

False. Under Section 570.080, RSMo 1994, it is a Class C felony to receive stolen property. Hiding such property would come under this crime. This would be a good time to stress to the students how riding in a stolen car, being with others who have stolen items, etc. can lead to trouble with the law even if he\she is not involved with the actual crime.

7. **Statement: Throwing rolls of toilet paper in someone's yard or smashing Halloween pumpkins is vandalism.**

True. There are several offenses these actions could come under. First, littering is against the law. Section 577.070, RSMo 1994. Second, trespassing is against the law. Section 569.160.

8. **Statement: A juvenile must be at least 14 years old before the court can try him\her as an adult.**

False. This was the law until the 1995 session of the Missouri Assembly. In response to the rise in juvenile crime, lawmakers passed a bill that states that at any age, if you are alleged to have committed a serious offense such as murder, sale of drugs, robbery, rape, or assault, or if you are a repeat offender, the juvenile court may certify you an adult and transfer you to the adult criminal system. At age 12, the juvenile court can also certify you as an adult for other serious crimes, such as stealing a car, drug possession, and carrying a weapon. (The judge may want to explain what is meant by "certify" and tell the student how a juvenile is certified as an adult. The lesson which follows this one is on the certification process.)

9. **Statement: The judge must treat all juvenile offenders equally**.

False. Suppose two 15 year old boys are brought before the judge. Both have been accused of stealing a car. The judge has several options available for dealing with the juvenile. For example, the judge can return the juvenile to his home in the custody of his parents with visits to be made to the home regularly by a juvenile officer; the judge can return the juvenile to the custody of his parents with the agreement that the parents and the juvenile visit a juvenile center periodically for counseling; the judge can place the juvenile in foster care; the judge can place the juvenile in a group home; the judge can place the juvenile in a juvenile detention center or other institution. In deciding what to do with the juvenile car thieves, the judge will consider each boy's attitude, number of times he has been in trouble, his school record, his family life and the kinds of friends he has. Unless each boy has the exact same background, it is unlikely that the judge will dispose of the cases in the same manner.

10. **Statement: At age 17, all juvenile records are destroyed and a juvenile offender begins adulthood with a clean record.**

False. At age 17, a juvenile offender may ask the court to destroy juvenile records but the court does not have to destroy the records. The records may be used by the military to refuse admittance into military service. The records may be used by probation officers in the event the juvenile offender commits crimes as an adult. The records may surface in a background check for someone wanting to become a lawyer

or FBI agent. The records to be used for impeachment purposes at a trial. Indeed legislators every year consider making the juvenile record less confidential. For example, for years, the names of juvenile offenders were kept strictly confidential. Now the victim and the victim's family have the right to know the name of the juvenile offender. They have the right to attend the hearing where the judge makes a decision about the disposition of the juvenile's case, and to speak at the hearing about the impact the juvenile's actions have had on their lives.

11. **Statement: Anyone fifteen and one-half years old is treated as an adult under Missouri's traffic laws.**

True. The juvenile court does not have jurisdiction over juveniles who violate traffic laws. The State of Missouri has decided that anyone who has attained the age of 15 1\2 is responsible enough to drive. Therefore, for the purposes of all laws related to driving, anyone over 15 1\2 is considered an adult and will appear in regular traffic court. However, if a juvenile is charged with crimes such as vehicular manslaughter or driving while intoxicated, the juvenile will be referred to the juvenile court.

12. **Statement: Carrying brass knuckles under the car seat is a crime**.

True. Under Section 571.030, RSMo 1994, having a weapon--something capable of lethal use--on your person or having such items readily available such as under your car seat, in a glove box or in a console case constitutes the crime of unlawful use of a weapon.

13. **Statement: Skipping school may make my parents angry but it is not against the law.**

False. Children between the ages of 7 and 16 must be in school(See Chapter 167 RSMo 1994). If a juvenile is caught "skipping" school, the juvenile may be charged with the "status" crime of truancy.

14. **Statement: A judge may not place a juvenile offender in a juvenile detention center the first time the juvenile commits a crime.**

False. No one who commits a crime is entitled to "one bite of the apple." If a judge determines that a juvenile would benefit from being placed in a detention center, even if the juvenile has never been in trouble before, the judge has the discretion to do so.

DEBRIEF(3-5 minutes): The judge should ask the students to summarize what they have learned. If time permits, the judge may want to share some of his\her experiences in dealing with juveniles.

ENRICHMENT:

1. The judge or teacher may want to follow-up this lesson with the lesson which follows this one, *When Are Juveniles Treated As Adults.*

2. The judge could ask the students what they believe are the strengths and weaknesses of Missouri's juvenile laws. The judge could invite the students to make suggestions as to what changes they would make in the law.

3. A legislator who has sponsored juvenile law legislation could be asked to speak to the class.

4. The class could visit the General Assembly while juvenile law changes are being debated.

Opinion Poll on Juvenile Law

Directions: Read the statements below and decide whether you agree(A), disagree(D), or are undecided(U). Be prepared to discuss your opinions with the classes. ***Remember*** this is not a test that will affect your grade.

____1. Hitchhiking, although dangerous, is not a crime.

____2. A juvenile is anyone under the age of 17.

____3. It is not a crime to set an abandoned house on fire.

____4. If a juvenile is caught with either alcohol or illegal drugs, it is up to the judge whether the juvenile loses a driver's license for one year.

____5. When a juvenile is stopped by a police officer, the juvenile has the right to remain silent and ask for an attorney.

____6. It is not a crime to hide a stolen item for a friend if you have not participated in the stealing of that item.

____7. Throwing rolls of toilet paper in someone's yard for fun is vandalism.

____8. A juvenile must be at least 14 years old before the court may try the juvenile as an adult.

____9. The judge must treat all juvenile offenders equally.

___10. At age 17, all juvenile records are destroyed and a juvenile offender begins adulthood with a clean record.

___11. Anyone fifteen and one-half years old is treated as an adult under Missouri's traffic laws.

___12. Having brass knuckles under your car seat is a crime.

___13. Skipping school may make my parents angry but it is not against the law.

___14. The judge may not place a juvenile offender in a foster home when the juvenile has committed only one crime.

When Are Juveniles Treated As Adults

Grade level(s): 6-12

Objectives: To acquaint students with the process of certifying juveniles to stand trial as adults.

Before the judge taught lesson: No special preparations are required.

Materials needed: Sufficient handouts. The judge and\or teacher may want to obtain copy for each student of the brochure, *Juveniles and the Law* , available at no charge from The Missouri Bar, P.O. Box 119, Jefferson City, MO 65102, 314 635-4128.

DIDACTIC(3-5 minutes): The judge should tell the students that this lesson will be about when juveniles commit serious crimes and are tried as adults instead of being treated like juveniles.

DRILL(15 minutes): The judge should spend some time establishing what is meant by a juvenile or a minor under Missouri law. The judge should tell the students that when they are considered juveniles and when they are considered adults under the law varies with the circumstance. Some of the areas that the judge may want to explore with the students are as follows:

*You must be 21 to possess, use, or buy alcoholic beverages.

*You must be 21 to serve on a jury.

*You must be 18 to get married without your parents permission. If you are under 15, you must receive permission from a judge to get married.

*You may vote at 18.

*At age 18, you may sue someone in court and someone may sue you.

*You may make a will, sign a contract and sign a lease at age 18.

*At age 18, if you are a male, you must register for military service.

*You must be at least age 18 to consent to your own medical treatment. If you are under 18 years of age, you must have your parents' permission for any kind of medical treatment, including abortion. There are a few exceptions to this law. Some hospitals or clinics allow you to consent to your own testing and treatment for pregnancy, sexually transmitted diseases, drug and alcohol abuse, or AIDS at any age. Others allow you to consent to your own treatment only if you have reached age

13. If you are younger than 18 but are married or in the military, you are considered emancipated, or on your own, and you may seek medical treatment without your parents' permission.

*At age 16, you may get a driver's license; at 15 1\2, you may get a special license to drive with your parents or guardian.

*Age 15 1\2, you are treated as an adult under Missouri's traffic laws.

*At any age, if you are the victim of a crime, you have the right to be paid for damages done to you and to attend any hearings and trials about a case arising from the crime. If the person who committed the crime against you is a juvenile, you may attend the hearings in juvenile court. If the person who committed the crime against you is an adult or will be tried as an adult, you may go to the hearings and the trial in circuit court.

The judge and\or teacher should then distribute Handout #1, which describes the new age limits for certification of juveniles to stand trial as adults. The judge and the students should read through Handout # 1 together, highlighting the important points in the law.

The judge and\or teacher should then distribute Handout #2, which describes the factors a judge considers when certifying a juvenile to stand trial as an adult. The judge and students should read through Handout #2 and take note of the highlighted areas.

DO(25 minutes): The judge, with the assistance of the teacher should then divide the students into four groups. The judge and\or the teacher should then distribute as copy of Case 1 to each member Group 1, Case 2 to Group 2, and so on. The judge should instruct the students to read through each case as a group and then decide, considering the factors in Handout #2, if they would certify the juvenile in the case to stand trial as an adult. The students should be instructed that they have fifteen minutes to make their decisions. At the end of 15 minutes, a spokesperson from each group should read the group's case to the entire class and announce the decision of the class.

DEBRIEF(3-5 minutes): The judge should ask the students what they have learned.

ENRICHMENT:

1. The judge could ask the students what they believe are the strengths and weaknesses of Missouri's juvenile laws. The judge could invite the students to make suggestions as to what changes they would make in

the law.

2. The students could have mock certification hearings, using the cases provided in this lesson or make up their own cases.

AGE LIMITS FOR CERTIFICATION

You may be tried as an adult for any crime convicted at age 17 or older. If you commit an offense at age 16 or younger, the police will refer your case to the juvenile court. At any age, if you are alleged to have committed a serious offense such as murder, sale of drugs, robbery, rape, or assault, or if you are a repeat offender, the juvenile court may certify you an adult and transfer you to the adult criminal system. At age 12, the juvenile court can also certify you as an adult for other serious crimes, such as stealing a car, drug possession, and carrying a weapon.

(See Section 211.071 RSMo. Supp. 1995)

WHEN JUVENILES ARE TREATED AS ADULTS

When a judge is trying to decide whether a juvenile offender should be tried as an adult, the judge will consider the following factors:

1. The **seriousness of the offense** and whether the community needs protection from the juvenile offender.

2. Whether the alleged offense involved **viciousness, force or violence**.

3. Whether the alleged offense was against people or against property. If the offense was **against people and the people were injured**, there is a greater chance that the juvenile offender will be certified as an adult.

4. Whether the alleged offense is a part of a **repetitive pattern** which indicates the juvenile offender cannot be rehabilitated by the juvenile justice system. In other words, the court will look at whether the juvenile offender has committed these same kinds of crimes befcre and if he\she has, the judge will carefully consider whether the juvenile offender can really be helped in the juvenile system.

5. The **record and history of the juvenile offender**, including past experiences with the juvenile justice system. In other words, does the juvenile offender have a history of trouble with the law.

6. The **sophistication and maturity of the juvenile offender**. Does the juvenile offender appear and act as an adult in most situations? Does the juvenile offender understand the difference between right and wrong?

7. The **age** of the juvenile offender.

8. The program and facilities available to the juvenile court. Does the juvenile justice system have a place suitable to house the juvenile offender? Does the juvenile offender **need the more restricted atmosphere of an adult corrections facility such as prison**?

9. Whether or not the juvenile offender can really **benefit from the treatment or rehabilitative programs** available in the juvenile justice system.
Has the juvenile offender already demonstrated that he\she does not benefit from these programs?

(See Section 211.071 RSMo Supp. 1995)

Case 1

While driving without a license, Jenny, almost age 17, hits a 9 year old girl playing on the street in front of her house. The little girl is seriously injured and may be permanently disabled. Jenny's blood alcohol level at that time was .13, clearly above the level for legal intoxication. As a result of a previous incident, Jenny has had her license suspended for driving while intoxicated.

Jenny is an above average student in school. She lives with both of her parents. Jenny's mother is an alcoholic and has occasionally beaten her daughter. Jenny likes school but hates her home life. Other than the previous incident with driving while intoxicated, Jenny has never been in trouble with the law.

Should Jenny stand trial as an adult for second degree assault? *See Section 565.060(3) RSMo 1994*--A person commits second degree assault if he\she causes physical injury to someone while operating a motor vehicle in an intoxicated condition.

Case 2

Julie, age 15, runs away with her boyfriend, Jack, age 16. They travel to Missouri from Illinois. Julie and Jack have a hard time making a living. They have both dropped out of school. Jack finds work at minimum wage at McDonald's. Julie has to stay with the baby girl that she and Jack had shortly after moving from Illinois to Missouri. Jack suggests that they give up their baby because they cannot afford a child. After a long discussion, Jack and Julie decide to leave the child, wrapped in a blanket on the steps of a church. During the night, the baby became cold and ill. When the minister found the baby, he rushed her to the hospital. Shortly after being admitted to the hospital, the baby died of pneumonia.

The police are able to trace the baby back to Julie and Jack. They admit to abandoning their baby. Julie has a record of being a runaway. Jack has no record.

Should Julie and Jack be certified for standing trial as adults for involuntary manslaughter or for endangering the welfare of a child?

Case 3

Jim, age 14, and a group guys he hangs out with, break into Central High School one night. Some of the guys are 18. Jim is the youngest in the group, although he acts older than his age. The guys vandalize the science lab and some of the guys start taking the computers and VCRs out of the school.

The night janitor sees the boys and begins to chase them. Jim is almost caught by the janitor, but just as the janitor reaches Jim, the janitor slips and hits his head hard. The boys manage to get away and take the computers and VCRs with them. The janitor is able to get to a telephone and call the police. The janitor identifies Jim because he remembers how nice Jim usually act in school. The janitor also remembers Jim as a finalist in the Citizen Bee Contest.

Jim is taken into custody by the police. Jim lives with his mother and four other brothers and sisters. Jim's mother and father are divorced. His mother works two jobs. Jim has been in juvenile court twice before for illegal possession of alcohol.

Jim could be charged and tried as an adult for burglary and stealing. Should he be tried as an adult?

Case 4

Bill, a 15 year old high school student, has been diagnosed as being hyperactive. Bill has had this condition for several years and doctors have prescribed a special medicine, Ritalin, to control his behavior. When Bill does not take his medication, he sometimes loses control and goes wild. This has happened to Bill a couple of times and although no one was hurt, he was once suspended from school for fighting. Bill admitted to his mother that he has stopped taking his medication on these occasions. Bill's mother warned him that he must take his medication and reminded him that he must act responsibly.

Some of Bill's friends at school dared him to stop taking his medicine. They also talked Bill into trying a marijuana cigarette. Unknown to Bill, the marijuana cigarette had been dipped into PCP.

Bill went crazy and picked up a baseball bat. He severely beat a classmate who had been teasing him. The classmate had a fractured skull and several cracked ribs. Bill is taken into custody by the police.

Should Bill be tried as an adult for possession of illegal drugs? for assault?

YOU BE THE SENTENCER!

Grade level(s): 6-12

Objectives: To make students aware of the various options that judges have when deciding what to do with someone convicted of a crime and juvenile offenders.

To make students aware of the factors that judges consider when deciding what to do with someone convicted of a crime and juvenile offenders.

Before the judge-taught lesson: No special preparations required.

Materials needed: Sufficient copies of the handouts.

DIDACTIC(3 minutes); The judge should tell the class that this lesson will be about the various ways that judges can deal with juvenile offenders and people convicted of adult crimes. The lesson will also explore the factors that judges look at when deciding what to do with a juvenile offender or an adult criminal.

DRILL(15 minutes): The judge may want to ask the students if they have ever heard the expression, "Make the punishment fit the crime." The judge may want to tell the students that making the punishment fit the crime is a challenge judges face every day in dealing with both adult and juvenile offenders. The judge should also explain to the students that, in Missouri, the trial court judge is the final sentencer and that the jury actually only recommends a sentence.[9] The judge should then ask the students if they have ever wondered why two people who have committed the same crime are not given the same punishment. The judge should then explain that this lesson will clarify this issue.

The judge and\or teacher should then distribute Handouts 1, 2 and 3 to all the students. The judge and students should go over Handout #1, *Sentencing Options*, Handout #2, *Sentencing Factors*, and Handout #3, *Probation Guidelines*. The judge should make sure the students understand the material. The judge may want to point out that certain serious crimes, such as first and second degree murder, forcible rape, and robbery usually require a prison sentence regardless of the offender's background. Perhaps the judge could share with the students unique situations that

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[9]Section 557.036, RSMo 1994. The judge may want to explain that under this statute the trial court judge may decrease the punishment recommended by the jury but cannot increase the punishment recommended by the jury unless the recommended punishment is less than the minimum required by law.

might be an exception to this generality. Before beginning classroom activities, the judge may also want to inform the students that usually a sentencing judge asks for a pre-sentence investigation prior to sentencing an offender in order to have sufficient information to decide an appropriate punishment.

DO(25 minutes): The judge and the teacher should divide the class into five groups. Each group should be given a juvenile case and an adult case. Each group will act as a sentencing judge and make a decision for each case. This should take about 15 minutes. After 15 minutes, a spokesperson from each group should read the group's cases and report on the group's decision.

DEBRIEF(3 minutes): The judge should ask the students what they have learned.

ENRICHMENT:

1. Have the students come up with other sentencing options. Instruct them to consider the punishment aspect, rehabilitation aspect and cost of their recommendations.

2. The class could visit a courtroom on a day when sentencing adult offenders was on the docket.

3. The students could role play the cases. Students could play the parts of judge, defendant, prosecutor and defense attorney.

SENTENCING OPTIONS

JUVENILES

1. Community service
2. Counseling
3. Foster home
4. Juvenile detention center for a short time
5. Juvenile detention for an extended period of time
6. Probation--supervised
7. Probation unsupervised
8. Commitment to a mental health institution

ADULTS

1. Community service
2. Counseling
3. Probation--supervised
4. Probation--unsupervised
5. Restitution
6. Fine
7. Fine and up to one year in the county jail
8. Imprisonment
9. Commitment to a mental health institution

SENTENCING FACTORS[10]

1. The Crime--Did the crime involve bodily harm to another person? harm to another person's property?

2. The Offender's Actions--Were the offender's actions brutal, dangerous, and callous, or were they unintentional and restrained?

3. The Victim--Was the victim also involved in criminal activity, aggressive, or was the victim caught unaware, possibly even vulnerable mentally or physically?

4. Weapon--Did the offense involve a weapon of some sort?

5. Offender's Participation--Did the offender act alone, was he the leader of a group committing crime, or was he a follower in a group that committed the crime?

6. Criminal Record--Has the offender been convicted of other crimes? How serious were the prior convictions?

7. Psychological State--Was the offender deliberate and calculating or was the offender provoked or under some sort of stress?

8. Age--Is the offender either very young or very old?

9. Offender's Attitude--Is the offender hostile and defiant or does the offender admit guilt and show remorse?

10. Public Attitude--How will the public and law enforcement community react to the sentence.

Other factors which may be considered are the offender's reputation and position in the community, general character and contributions to society.

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[10]See *Criminal Justice in America* published by the Constitutional Rights Foundation.

PROBATION GUIDELINES[11]

1. Did the offender cause or threaten serious harm?

2. Did the offender intend to cause or threaten serious harm?

3. Did the offender act under strong provocation from someone else?

4. Are there other factors which tend to excuse or justify the criminal conduct?

5. Did the victim contribute in some way to the crime?

6. Did the offender agree to compensate the victim?

7. Is this the offender's first offense?

8. Was the criminal conduct the result of circumstances not likely to happen again?

9. Does the offender's attitude and character show that he or she is unlikely to commit another crime?

10. Will the offender benefit from probationary treatment, such as drug counseling, alcohol rehabilitation, counseling for the ill effects of an abusive relationship, etc.?

11. Would imprisonment cause excessive hardship to the offender of his or her family?

12. Would the community benefit more from the offender's probationary community service than it would from imprisonment of the offender?

13. Does the offender have a good family and\or friends who will help him or her stay out of trouble?

14. Is the offender willing to further his or her education?

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[11]See *Criminal Justice in America* published by the Constitutional Rights Foundation.

JUVENILE CASE #1

Name:	Mary Carrell
Age:	16
Offense:	Minor in Possession of Alcohol
Education:	A junior in high school
Previous record:	One previous "Minor in Possession of Alcohol;" one previous shoplifting charge.

Comments: Mary is an average student, maybe slightly above. Her attendance record at school is good. She lives at home with her father who is a banker, her mother who is a housewife, and two older brothers who have had two speeding tickets in the last year.

JUVENILE CASE #2

Name:	Henry Johnson
Age:	15
Offense:	Minor in Possession of Alcohol, stealing an automobile, vandalism, possession of cocaine
Education:	A sophomore in high school
Previous record:	None.
Comments:	Henry confessed to stealing an automobile belonging to his next door neighbor. When the automobile was found, the tires were slashed, the compact disc player removed, spray painted obscenities covered the car, and there were empty beer cans in the back seat. When the police picked Henry up, he had a small amount of cocaine in his jacket pocket. Henry is an honor student, on the basketball team, and belongs to Young Republicans. He lives with is father, a state representative. His mother, who is divorced from his father and remarried, lives in South Dakota.

JUVENILE CASE #3

Name:	Wendy Potts
Age:	16
Offense:	Burglary and vandalism
Education:	Dropped out of school during her sophomore year.
Previous record:	Possession of marijuana; burglary of an elementary school
Comments:	Wendy is currently not enrolled in school. She lives with her mother who works from 11:00 p.m. until 7:00 a.m. as a nurse's aide at the local hospital. Wendy was involved in a lot of fights at school and did not get along well with her teachers.

JUVENILE CASE #4

Name:	Andy Wax
Age:	14
Offense:	Murder and robbery
Education:	Freshman in high school
Previous record:	Four prior encounters with the law: one for driving without a license and being underage for driving, one for minor in possession of alcohol, one for being a runaway and one for vandalizing a neighbor's property
Comments:	Andy shot and killed an elderly woman when she refused to give him her purse during a robbery at a local grocery store. Andy was living on the street as he had run away from home again. His father died three years ago and Andy has eight brothers and sisters and a mother who began abusing alcohol when his father died. at school and did not get along well with her teachers.

JUVENILE CASE #5

Name:	Sarah Jackson
Age:	16
Offense:	Selling marijuana on school grounds
Education:	Junior in high school
Previous record:	Four prior encounters with the law: one for public nudity(mooning the student body while playing in the band during a school assembly), one for minor in possession of alcohol, one for tampering with a vehicle, and one for selling marijuana to elementary students.
Comments:	Allegedly has been selling drugs for almost three years; violent temper, "D" grade average. Sarah lives with her father who is an attorney and her mother who is a college professor. She has three older brothers, one who is a professional football player, one is studying to be a doctor, and one who is studying to be a priest. Her parents have had her in counseling for two years.

Adult Case #1

Name: Jean Polson

Age: 23

Current case: Following her escape from Fulton State Mental Hospital, Jean was put in the local county jail until personnel from the hospital could transport her back to Fulton. While she was incarcerated, she stabbed another inmate with a fork, injuring her severely. As the paramedics took the injured inmate away, Jean said, "I wish I had killed her." She was convicted of first degree assault.

Prior Record:

Crime	Action Taken
Soliciting prostitution	One year probation
Automobile theft	One year probation
Shoplifting	Counseling
Shoplifting	One year probation
Burglary	Three years probation
Stealing	Probation continued

Comments: Jean Polson is one of ten children from a broken family. She never knew her father, and has a poor emotional relationship with her mother. She cannot read or write and is borderline retarded. She has no employment skills and has a long history of drug abuse. She has attempted suicide, had three children by two different fathers, and is currently married. Her husband is incarcerated for assault and selling drugs. Her children live with a relative. Since age 11 she has been in and out of mental institutions for emotional problems and drug use.

Adult Case #2

Name: Paul Harrison

Age: 25

Current case: One year after being paroled for assaulting a police officer, Paul was arrested for armed robbery and automobile theft. He pleaded guilty to the crime of auto theft but claimed he needed the car to get back and forth to work. He also claims it was not an armed robbery because he was only pointing his finger through his shirt at the victim. No gun was found at the scene of the crime or on Paul at the time of his arrest.

Prior Record:

Crime	Action Taken
Possession of heroin	One year probation
DWI	Counseling
Possession of cocaine	County jail--1 year plus three years probation
Burglary	County jail--30 days and probation continued
Assault	Three years imprisonment

Comments: Paul is the oldest of six children. His father is an alcoholic and compulsive gambler. His parents were divorced when he was 10. Paul dropped out of school his junior year in high school due to failing grades excessive absenteeism. Paul has an average IQ. Paul has been unable to hold a job due to his numerous arrests.

Adult Case #3

Name: Frederick Frawley

Age: 31

Current case: Frederick and his partner rented police uniforms, stole a police car and then robbed a liquor store. The pair tried the same thing two days later but were caught. Frederick immediately confessed to the crime, saying he needed the money because his catering business was failing.

Prior Record:

Crime	Action Taken
Receiving stolen property	Case dismissed for lack of evidence
DWI	County jail--10 days & fine
Selling stolen property(4 stereos)	County jail--6 months (Sentence suspended)

Comments: Frederick comes from a two parent family and has an above average IQ. He graduated from junior college and is married with one child, Age 4.

Adult Case #4

Name: Marvin Valcome

Age: 18

Current case: Marvin was out on parole for stealing an automobile. Ten days after being paroled, he robbed and stabbed a 21 year old pizza delivery man, inflicting serious injuries. He confessed the crime to the police. In his confession, Marvin stated that when he ordered the pizza, he already had the knife with him because he intended to rob the delivery person when he got there. When the pizza man arrived, Marvin put his arm around the delivery man's neck and pointed the knife at his throat. Marvin confessed that the man begged Marvin not to hurt him. Marvin stabbed him numerous times and admitted that the man continued to beg for his life until he passed out from the stab wounds.

Prior Record:

Crime	Action Taken
Stealing(Age 8)	Counseling & released to mother
Burglary(Age 9)	Placed in a home for emotionally disturbed boys; Placed in several similar institutions from Ages 9-15. Expelled at age 15 for hitting another boy with a rock.
Auto theft (Age 16)	Certified to stand trial as an adult; sentenced to three years imprisonment, paroled after 18 months.

Comments: Marvin has a long history of very unstable behavior. At birth the doctors believed he had suffered brain damage. He was a behavior problem at school and at home. Marvin never knew his father who was imprisoned when Marvin was a baby for first degree robbery and was killed by another inmate. His mother lived with several other men during Marvin's childhood, none of whom took any interest in Marvin. He has always had trouble relating to his peers. His school work and attendance were very poor. He has been classified as dysfunctional and lacking self-esteem.

Adult Case #5

Name: John Mitchell

Age: 61

Current case: John Mitchell was charged with four others in President Nixon's administration with five counts of obstruction as justice. In addition, Mitchell was charged with perjury before a grand jury and the Senate Watergate Committee and conspiracy to obstruct justice. Specifically, Mitchell was accused of approving the original Watergate Hotel break-in, ordering destruction of evidence, and encouraging the payment of hush money to those arrested for the break-in. Mitchell was found guilty on all counts.

Prior Record: None

Comments: John Mitchell is a graduate of college and law school. He has been a successful corporation lawyer and was appointed Attorney General of the United States, the highest law enforcement officer in the nation, by President Nixon. In 1972, Mitchell headed President Nixon's campaign for re-election. Mitchell is married.

WITH RIGHTS COME RESPONSIBILITIES

Grade level(s): Grades 2-5

Objectives: To make students aware that they must use their rights responsibly.

Before the judge-taught lesson: The judge should select a story about an American who used his\her right to free speech in a responsible way. (See ideas under **DO** of the lesson.) The judge should also obtain a copy of the Aesop's fable, *The Boy Who Cried Wolf(The Shepherd Boy)*. The teacher may be able to assist the judge in obtaining copies of these materials.

Materials needed: Copies of appropriate stories and sufficient copies of each of the handouts.

DIDACTIC(2-3 minutes): The judge should tell the students that this lesson will be about how students have certain rights and that they must use this right responsibly.

DRILL(5-10 minutes): The judge should ask the students if they ever say, "That's my right!" or "I have a right to do that." Students may want to share specific rights they have told others that they think they have. The judge should then help the students define what a right is: something that a person is entitled to and cannot be taken away. The judge should then tell the students that every person who lives in the United States has the right to freedom of speech--the right to say what the person wants.

DO(25 to 30 minutes): The judge should then read a short story or tell the student in the judge's own words a story about an American that used his\her freedom of speech in the right way. The Missouri Bar in conjunction with the Law and Citizenship Education Unit of St. Louis Public Schools has an excellent publication containing stories about Missourians who used their freedom of speech to make a difference in the lives of others. The name of the publication is *Missouri Then and Now* and includes stories about Dred Scott, Harry S. Truman and Thomas Hart Benton. To obtain a copy, please contact Millie Aulbur at The Missouri Bar, P.O. Box 119, Jefferson City, MO 65102, 314 635-4128. Other people to consider telling the students about are Susan B. Anthony, Rosa Parks, Martin Luther King, Jr., Abraham Lincoln, Caeser Chavez, Arthur Ashe, Thomas Jefferson and James Meredith. It would also be appropriate for the judge to tell stories about himself\herself, family members, colleagues and friends who have used the freedom of speech in a responsible manner.

After reading the story, the judge should have the students tell how they think the person in the story used the right to free speech in a good way.

The judge should then ask for two volunteers to put on a play about the right to free speech. The name of the play is Fire! Fire! and is in Handout #1. The two volunteers should be given 1 minute to read over the play. The judge should play the part of the narrator. After the play has been given, the judge should ask the students if they think Tim and Tina had the right to yell, "Fire! Fire!" in the crowded theater. The judge should then explain to the students that people do not have right to say things that could hurt people and that this kind of speech is not a responsible way to use our right to free speech.

The judge should then read the story of *The Boy Who Cried Wolf* to the students. The judge should ask the students if the boy in the story had the right to call, "Wolf! Wolf!" The judge should explain that the boy did have that right. The judge should then ask the students if they think the boy used right to free speech in a responsible way.

The judge should then ask for volunteers to do the three plays in Handouts 2-4. The volunteers should be given 1 to 2 minutes to look over their parts. After each play, the judge should ask the students if they think the people in the play used their right to free speech in a responsible way.

DEBRIEF(5 minutes): The judge should ask the students what they have learned.

ENRICHMENT:

1. The students could write their own plays about using the right to free speech in a responsible way. The students may want to perform their plays for other classes and/or for their parents.

2. The students could write about people they think have used the right to free speech in a responsible way.

3. The students could discuss a problem in their school or community that they think needs the attention of the principal or the city council. The students could write letters or call upon the appropriate person and voice their concerns.

FIRE! FIRE!

Players: Tim and Tina

Scene: Crowded Theater

Tim: Do you see two seats together anywhere?

Tina: No. I cannot believe how many people are here tonight for (make up the name of a movie--use your imagination!!!)

Tim: Hey! I have a great idea for getting some space in here!

(Tim and Tina whisper together and give each other a wink and a high five.)

Tim and Tina(in loud and panic-filled voices): FIRE! FIRE!!

****

Judge: Tim and Tina do clear out the theater and do find seats together. The theater manager, however, calls the police and Tim and Tina are referred to the juvenile office for their actions. Tim and Tina say they cannot be in trouble because they "had the right" to say what they wanted in that theater. Do they?

TELEPHONE TEDDY

Players: Teddy and Katie

Scene: Teddy's home by the telephone and the telephone book(Students can use any book and pretend with they have a telephone).

Teddy: Do you want to have some fun, Katie?

Katie: Sure!

Teddy: Get the phone book and give me any phone number.

(Katie looks in the book.)

Katie: Okay. 777-8899.

(Teddy pretends to dial.)

Teddy: Great! It's ringing!
(Teddy pretends someone answers.)

Teddy: Your refrigerator is running! (Teddy quickly hangs up and both Katie and Teddy laugh a lot.)

Katie: Let me be next!

A Letter to the Editor

Players: Carol and Curt

Scene: Carol's home

Carol: Curt, did you hear there was another accident on our street last night? Jane Smith's little brother was seriously hurt.

Curt: Carol, how many accidents have there been on our street?

Carol: A bunch. Maybe 100.

Curt: What can we do?

Carol: I heard my dad say that somebody ought to write a letter to the newspaper about all the accidents and say that we ought to get some more stop lights.

Curt: Hey, lets you and I do that.

Carol: Great idea.

BIG MOUTH SAM

Players: Sam, Barbara, Jim, Donna and Ms. or Mr. Jones

Scene: Meeting of the Adventure Club

Ms. or Mr. Jones: I am really excited about the projects you have been working on for your badges. Barbara, tell us about your project.

Barbara: I am working on drawings of my favorite places to go on vacation.

Sam: Now talk about a real boring idea. You draw lousy, Barbara.

Ms. or Mr. Jones: Sam, please be considerate of everybody. How about you, Jim?

Jim: My dad and I are going around taking pictures of playgrounds that have dangerous places. We are going. . .

Sam: Oh, Jimmy can't do anything without Daddy helping him.

Ms. or Mr. Jones: Sam, you will have your turn. Please be polite. Jim, I think your idea is grand. Donna?

Donna: I am helping organize a Neighborhood Watch because we have had some robberies in our neighborhood.

Sam: Now ain't that special. Who would want to rob anybody in your crummy neighborhood.

LESSON

PLANS

USING

VIDEOTAPES

LESSON PLANS USING VIDEOTAPES

Each year thousands of lawyers and teachers use The Missouri Bar Law-Related Education Videotape Lending Library. This service provides educators with more than seventy-two different videotapes that explain the law and the legal system.[12] Many of these videotapes have accompanying lesson plan guides complete with activities and handouts which are suitable for a judge-taught lesson.[13]

For example, the videotape, *T.J.'s Rights,* would be an excellent introduction for a judge's classroom presentation on the Bill of Rights. This eighteen (18) minute videotape assists students in Grades 5 - 8 in understanding how the Bill of Rights affects their lives and the lives of all Americans. A teacher or judge requesting this videotape should also request the accompanying lesson guide.

Another excellent videotape with an accompanying lesson plan guide is *A Personal Matter: Gordon Hirabayashi v. The United States*. This thirty(30) minute videotape is the story of Gordon Hirabayashi's legal battle against the World War II internment of American citizens of Japanese ancestry. The teaching guide contains four lesson plans with accompanying handouts. They are designed for use with high school students.

Trial by Jury: Goldilocks is a twenty(20) minute videotape showing a mock trial featuring student actors. This tape was produced by a Jefferson City youth acting group with the support of JCTV, Community Access Television, and sponsored by the Missouri Bar Advisory Committee on Citizenship Education. It is especially useful for teaching elementary school children the trial process and could be shown either before or after a classroom visit by a judge. The accompanying lesson plan guide is reprinted on the following pages.

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[12]For a complete listing of videotapes available from The Missouri Bar's lending library, see the tab that is labeled *Resources*.

[13]The videotapes which have accompanying lesson plan guides will have the designation, *Accompanying Lesson Plan Guide*, after its description in The Missouri Bar's videotape catalog. The accompanying lesson plan guide for a videotape will be checked out at the same time of the videotape only upon a specific request by the lender. The request should accompany the videotape request.

VIDEO LESSON GUIDE for *TRIAL BY JURY: GOLDILOCKS*

by

Warren Solomon, Curriculum Consultant
Missouri Department of Elementary and Secondary Education
Vice-Chair, The Missouri Bar's Advisory Committee on Citizenship Education

Curriculum Connection

This video program provides a concrete example of a jury trial using a familiar children's story, *Goldilocks and the Three Bears*. The lesson may be used to show students how criminal trials are carried out, who are the actors in such trials and what are their roles, what is the sequence of events in a criminal trial, and what is the special role of the jury. The lesson may also be used to help students learn about--and learn to use the reasoning processes juries are called upon to use and learn about the tactics used by lawyers for the prosecution and the defense. Although, the video is based on a children's story and is presented with humor, the video accurately portrays the procedures used in criminal jury trials, except for the fact that Goldilocks, a juvenile, would be too young to be a defendant in a criminal trial.

Age Level of the Students

The video may be used for certain in upper elementary grades, probably at the middle school or junior high level, and possibly at the high school level. As with all videos, preview before using to determine appropriateness.

Objectives

Following are objectives for students which teachers may choose to emphasize as they use the Goldilocks video and one or more of its accompanying activities:

1. Make a reasoned decision assuming the role of a juror.
2. Describe the processes used in a criminal trial.
3. Describe the roles of major participants in criminal trials(i.e., judge, jury, defendant, prosecuting attorney, defense attorney, witness, and bailiff).
4. Formulate questions pertaining to criminal trials to ask of an attorney or judge.

Program Summary

Following an introduction by the narrator and judge, the videotape presents the trial of Goldilocks in the very same sequence as criminal trials are handled in Missouri:

1. Selection of the jury. (This was alluded to, but not shown in the videotape.)

2. Opening statements of (a) the prosecuting attorney and (b) the defense attorney.

3. Examination by the prosecuting attorney of the prosecution's witnesses in each case followed by cross-examination by the defense attorney. (The witnesses in this case were Papa Bear, Mama Bear, and Baby Bear.)

4. Examination by the defense attorney of the defense's witnesses, in each case followed by cross-examination by the prosecuting attorney. (The only defense witness in this case was Goldilocks.)

5. Closing statements of (a) the prosecuting attorney and (b) the defense attorney.

6. Judge's instructions to the jury. The exact wording of the judge's instructions are of considerable importance for members of the jury to use. In fact, the wording is so important that Missouri judges use the book, *Missouri's Approved Instructions*, to make certain that the rules they give the jury are fully consistent with criminal law. If a judge should give incorrect directions to a jury, such an error may be a ground for an appeal.

7. Jury deliberation and decision. According to law, the jury in reaching its decision is bound to use the exact wording of the judge's instructions in determining whether the facts of the case justify a verdict of guilty. The decision must be unanimous. (In the videotape the jury leaves the room to begin its deliberations, and students in the class observing the video area asked to consider the facts of the case in reaching their decision. That is, the case is not resolved in the videotape, and the students observing the videotape are to deliberate and resolve the case themselves.)

Before the Program

* Ask the students how may of them have heard the story of *Goldilocks and the Three Bears*.

* Ask them to think about whether Goldilocks did anything wrong, perhaps illegal. Then tell them that they will se a videotape that tells the story of the trial of Goldilocks.

* Divide the class into groups of 12(or some smaller number) and inform each group that it will be a jury whose job will be to listen to the facts and to listen to the charges

against Goldilocks in order to decide whether or not she is guilty of violating one or more laws. Warn students that, as members of the jury, they cannot take any notes, and that they must listen very carefully for the facts of the case and for the instructions the judge gives them regarding matters of law.

* Perhaps, ask the students to jot down what they think will be the sequence of events that will take place in this trial. After they see the video, they could then check what they wrote down against what they will see in the video.

Show the Videotape

After Showing the Videotape

The ideas that follow are presented as options for teachers to consider using.

1. Review the class what were the instructions the judge gave to the jury: namely, that the jury: namely, that the jury must decide whether Goldilocks did any or all of the following illegal acts:

Breaking and entering--that is, Goldilocks entered the house to steal things the bears owned.

Theft--that is, Goldilocks entered the home to commit a crime.

Destruction of property--that is, Goldilocks wanted to destroy the bears' things.

If the jury believes beyond a reasonable doubt that Goldilocks committed one or more of the crimes--based on the evidence heard in the trial and on only that evidence--they must hold that Goldilocks is guilty of the specific crime or crimes. If, on the other hand, the jury believes there are doubts that Goldilocks carried out one or more of the criminal acts, as defined by the judge, they must hold Goldilocks to be not guilty of the specific crime(s).

Then, have the juries meet, discuss the case in an effort to decide whether Goldilocks committed on or more of the above crimes, as defined by the judge.

Next, have the juries report their decisions, and debrief by having them compare reasons for their decisions.

2. Review with the class the sequence of events in the trial and the purpose of each facet of the trial: (Note: answers to the questions are provided below for the information of the teacher. The teacher may choose not to give the information to the students, but to encourage them to sharpen their own questions to ask of an attorney.

(See Strategy 3 below.)

(1) Selection of the jury. Questions: Why is it necessary to select a jury? (The jury is to consist of exactly 12 people.) What sorts of people are to be excluded from sitting in on the jury? (Relatives or friends of the defendant or victims or other people who would have biases are to be excluded from juries.)

(2) Opening statements. Questions: If you were a prosecuting attorney, why would you give an opening statement? What would you try to accomplish? (You want to communicate to the jury what you intend to prove in the case.) If you were a defense attorney, why would you give an opening statement? What would you try to accomplish? (You also want to communicate to the jury what you intend to prove in the case, making the point that there is certainly reasonable doubt that the defendant committed the crimes as charged.)

(3) Examination by the prosecuting attorney of the prosecution's witnesses, in each case followed by cross-examination by the defense attorney. Questions: If you were a prosecuting attorney, what would you try to accomplish as you ask questions to your witnesses during direct examination? (You wan to have your witnesses present evidence to support your case that the defendant committed the crimes against which he or she is charged.) If you were the defense attorney, what would you try to accomplish as you ask questions to the prosecution's witnesses during cross examination? (You wan to cause the jury to question the accuracy or credibility of the evidence presented by the prosecution's witnesses. For example, maybe Papa Bear didn't notice that the chair might have been broken or was ready to break before the bears took their walk. Maybe,. Mama Bear let the house become so messy that Goldilocks was not responsible for the house's messy state.)

(4) Examination by the defense attorney of the defense's witnesses, in each case followed by cross-examination by the prosecuting attorney. Questions: If you were the defense attorney, what would you be trying to accomplish in your examination of your witness(es)? (You want the witness or witnesses to present evidence that would cast doubt on whether the defendant was in a position to commit a crime or whether the defendant's actions could be considered criminal, as the specific crime is defined.) If you were the prosecuting attorney, what would you be trying to accomplish in your cross-examination of the witness or witnesses? (You would try to discredit the testimony of the witness or witnesses. You want the jury to doubt whether the witness was telling the truth or was in a position to tell the truth. The more you can get the jury to believe your witnesses an to disbelieve the defendant's witnesses, the more likely it is that the jury will rule in your favor.)

(5) Closing statements. Questions: If you were the prosecuting attorney, why would you be giving a closing statement? What would you be trying to accomplish with it? (You would want to review and reemphasize the evidence that would tend to prove

that the defendant is in fact guilty of committing the crimes as charged and as defined by the judge. Before, trial, both the prosecuting and defense attorneys would know what would be the directions the judge would give to the jury, and both attorneys would use the ideas in those directions in planning their cases.) If you were the defense attorney, why would you be giving a closing statement? What would you be trying to accomplish with it? (You do not need to prove the defendant is innocent. Your task is simply to show that the evidence does not prove beyond a reasonable doubt that the defendant actually committed the crimes against which he or she is charged as the crime is defined in the law and judge's instructions.)

(6) Judge's instructions to the jury. Questions: What if the wording of the instructions were different? For example, what if the crime of "breaking and entering" were defined as "simply walking into another person's home" instead of "forcing one's way into another person's home with the intent of stealing property belonging to that person," as the judge instructed. (The discussion and decision of the jury might be very different.) Why does the judge need to be very careful to give the right directions to the jury? (If the judge gives the wrong directions, the defendant might be found guilty of committing a crime when his or her actions would not be consistent with the legal definition of the crime. Or the defendant might be released as not guilty, when his or her actions would really have been consistent with the crime as the crime is defined. If a person is found guilty of committing a crime and the judge gave the wrong directions, the case may be appealed to a higher court and the verdict may be overruled.)

(7) Jury deliberation and decision. Questions: As a member of a jury, what are your responsibilities? (To listen well, to try to determine what happened based on the evidence, and to discuss the case with fellow jurors in an effort to determine whether what happened constituted a violation of law as the law is defined by the judge. The jury is not to decide what the law mean; it is to decide what were the facts and whether those facts indicate that the law was violated, as the law was defined for them by the judge in his instructions.)

3. Following one or both of the strategies above, the teacher might have students generate a set of their own questions about criminal trials, and those questions may be posed to an attorney invited to the class as a guest speaker.

4. The students may be challenged to take another children's story, like "Jack and the Beanstalk," "Rumpelstiltskin," or "Little Red Riding Hood," and to develop their own mock trial related to that story. An attorney might be used as a resource person, to help clarify roles of various people in trials, to identify strategies attorneys might use in opening and closing statements and in direct and cross-examinations, and to help in identifying crimes related to the story and directions for the judge to give to the jury. The trial may be carried out for students in other classes of the same age or a younger age than the students themselves, with those students in the other classes

asked to assume the role of jurors.

RESOURCES

AVAILABLE FROM

THE MISSOURI BAR

RESOURCES AVAILABLE FROM THE MISSOURI BAR

The Missouri Bar has a variety law-related resources available at either a minimal cost or not cost at all. On the following pages the *Missouri Bar Law Related Lending Library Catalog* has been reprinted in full. Other materials are as follows:

- *Curriculum Resource Guide to Citizenship Education, Grades K-12*($15.00). More than 200 teaching activities categorized by objectives.

- *Bill of Rights: An Introduction.* A thirty-six page booklet summarizing the Bill of Rights.

- *Lessons in Freedom: A Bill of Rights Resource Packet for Grades K-12.*

- *Citizenship Educator.* Quarterly newsletter updates teachers about The Missouri Bar programs and services.

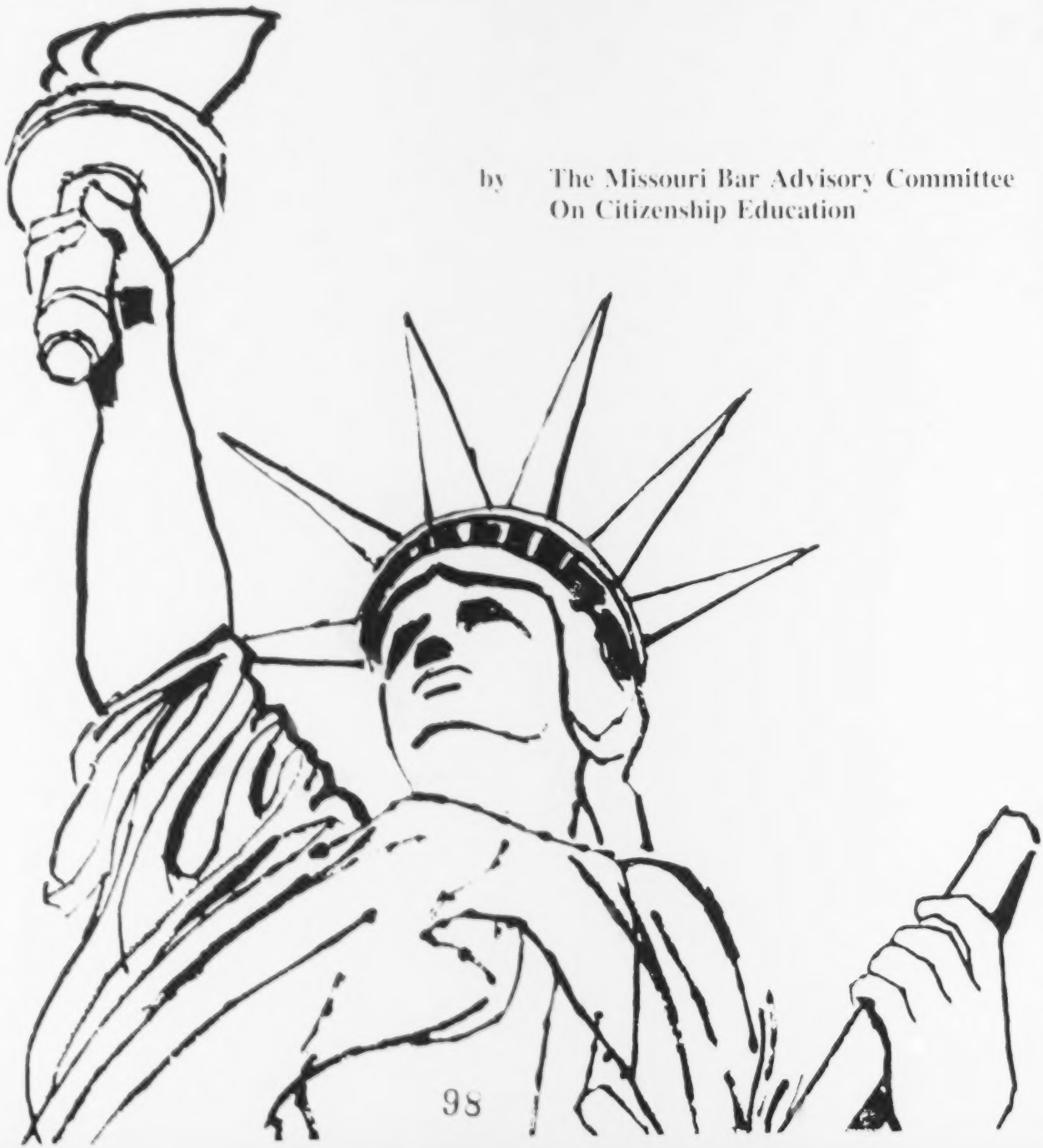
- *Young Lawyers' Section Coloring Book.* A coloring book for preschool and early elementary school children.

- *News Reporter's Guide to Law & Courts*($15.00). A 193 page handbook is an overview of Missouri's court system, including terminology and procedures.

- *Missouri Judges in the Classroom.* A resource guide for a judge's visit to the classroom and ideas for how a judge can be a resource person for a classroom.

The Missouri Bar Law-Related Lending Library Catalog

by The Missouri Bar Advisory Committee
On Citizenship Education



INTRODUCTION

This publication marks the fourteenth edition of **The Missouri Bar Law-Related Education Multi-Media Catalog**. As such, it reflects a significant increase in the number and type of materials offered. Please note that now the entire collection is in the 1/2" VHS videotape format. All videos are in color unless otherwise noted. New videotapes in the collection are designated by an asterisk *.

The available law-related education materials listed in the catalog may be used free of charge by teachers and lawyers for use with any civic, educational, religious or public group. The only cost to a user is the return postage and insurance. Requests should be directed to: **Film Coordinator, The Missouri Bar, P.O. Box 119, Jefferson City, Missouri 65102**.

Although multiple copies of many of the listed materials are on hand, some delays in shipment may occur due to scheduling or repair conflicts. In cases of scheduling conflicts, every attempt will be made to work with the individual requesting the item.

The law is constantly evolving with new court decisions and statutes. Every attempt has been made to keep the videotapes up-to-date. Educators are encouraged to invite lawyers to the classroom to discuss the topics of the programs. If you need assistance identifying a lawyer to speak, do not hesitate to call The Missouri Bar (314/635-4128).

To insure proper care and handling of the videotapes from The Missouri Bar, three important guidelines are set forth below:

(1) An instruction form is included in each mailing. Please read it carefully before attempting to return the materials.

(2) Please return all film material within 24 hours after it has been shown. This makes it possible to send the videotape to the next scheduled user on the requested date. We strongly recommend returning the videotape via United Parcel Service (UPS) rather than the U.S. Postal Service. The United Parcel Service provides quicker service and automatically insures all parcels for $100. If sent via United Parcel Service, return the form with the videotape. If sent via the U.S. Postal Service, insure the item for $100, place the completed form in a SEPARATE ENVELOPE (postal regulations) with the insurance receipt and return to The Missouri Bar.

(3) Please do not lend materials to others without the consent of The Missouri Bar. In the event of tight scheduling, you may be asked to send the materials to the next scheduled individual, rather than return them directly to The Missouri Bar. If an item is damaged during use, please ship it directly to The Missouri Bar with a brief explanation of the nature of the damage. Do not attempt to repair it. If we are not notified of the damage, the item may be shipped to the next scheduled user in a damaged condition.

Your cooperation with these procedures makes it possible for The Missouri Bar to be able to continue to offer these materials to teachers and lawyers throughout Missouri. **Your comments and suggestions are welcome**.

We hope that you enjoy the use of these materials and we look forward to continuing to make our videotapes and films available to you.

Millie Aulbur
Field Director for Law-Related Education

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VIDEOTAPES

AGENCY FOR INSTRUCTIONAL TECHNOLOGY — Video Project to Increase Understanding of the United States Constitution for Junior and Senior High School Students
Grade Level: High School and above

The Agency for Instructional Technology in association with Project '87 (a joint undertaking of the American Historical Association and the American Political Science Association) coordinated the development of six half-hour video programs intended for integral and sustained use in classrooms and for special use as part of activities to commemorate the 1987 Constitution bicentennial.

Each program is introduced by a dramatic or high-interest episode showing young people involved in a situation related to the program's theme. Pertinent sections of the Constitution are cited and connections to core ideas are made. The main ideas are developed in historical and contemporary contexts, showing their importance in the lives of today's citizens. Finally, a conclusion returns to the program's opening episode, raising key questions for post-viewing discussion and study. Study guides are available upon request and are recommended.

Limited Government and the Rule of Law
(25:40 minutes)

The U.S. Constitution establishes rule by law, limiting the government's power over its citizens. Bill Moyers explains in detail how and why this works, examining issues from the Revolutionary War to Watergate. In the dramatic segment, a young woman is unjustly accused of vandalism because of her unconventional lifestyle. A teacher's guide accompanies the videotape.

Federalism
(27:58 minutes)

Powers are divided and shared between the state and federal governments, as the Constitution directs. Bill Moyers examines the effect of the Civil War, the Depression and the civil rights movement on the balance of governmental powers. In the dramatic segment, a young man temporarily confined to a wheelchair finds that his school board does not want to install facilities for the handicapped. He fights for his federally protected right to attend school in the "least restrictive environment." A teacher's guide accompanies the videotape.

Freedom of Expression
(27:12 minutes)

Freedom of expression is a constitutional right that sometimes raises questions about the liberty of one person versus the security of all. Bill Moyers discusses issues involving the Sedition Act of 1798, the Espionage Act of 1917 and the Smith Act. In the dramatic segment, a young man who wants to air a prevention tape on teen suicide may be stopped by parents who fear the tape will glamorize suicide. A teacher's guide accompanies the videotape.

Equal Protection of the Laws
(29:39 minutes)

This program covers the growth of equality under law, from its beginning as a right that protected only white male citizens to modern-day affirmative action. Bill Moyers focuses on the role of the Supreme Court, using the Fourteenth Amendment to show that the meaning of a law may hinge on its interpretation by that body. In the dramatic segment, an older woman who is an expert pilot may be rejected for a flying job because of her age. Her grandchildren encourage her to fight this alleged discrimination. A teacher's guide accompanies the videotape.

The Constitution and the Economy
(27:29 minutes)

Since the Founding Fathers gave the national government power to regulate the economy, we have seen a steady growth of that power. Causes include the Industrial Revolution, the Depression and the desire for protection from such dangers as unsafe drugs, improperly prepared food and excessive pollution. Bill Moyers traces this growth from the separate visions of Thomas Jefferson and Alexander Hamilton to modern government deregulation. In the dramatic segment, an artistic teenager who is hired to custom-paint cars may lose his job when government anti-pollution regulations make it difficult for the shop to do business. A teacher's guide accompanies the videotape.

Separation of Powers – Checks & Balances
(28:40 minutes)

The powers of the federal government are separated and shared among three branches: legislative, executive and judicial. Furthermore, the bicameral structure of Congress provides checks and balances within the legislative branch. The principle of separation of powers does not mean that the three branches of government are absolutely independent of one another. Each branch has some influence over the actions of the others, and no branch can do its job without some cooperation from the others. The system of separation of powers with checks and balances has served an overall goal of constitutional democracy – the establishment of government that is both effective and restrained.

The dramatic episode illuminates the workings of the three branches of the federal government. Three teenagers are concerned about a marshy wilderness area in their community, an area that may be used by the federal government to dispose of nuclear waste material, and they work to influence government policy. A teacher's guide accompanies the videotape.

BASICS OF BUSINESS LAW SERIES:
Grade Level: 9-12

Introduction/Torts; Contracts
(19 minutes, Vocational Media Associates)

A tort is a wrongful act under civil law which results in damages to another person. The program illustrates various legal principles related to tort law through dramatization of a case involving a patron injured on the premises of a store.

The contracts portion of the videotape discusses the five elements which must be present for a contract: offer, acceptance, consideration, capacity of the parties, and a legally permissible objective.

Sales; Warranties
(18 minutes, Vocational Media Associates)

This program discusses the benefits and burdens which result from a sale and the considerations which a court weighs when determining at what point a sale has occurred. The program discusses the types of warranties that can be made by a seller of goods or services.

Real Property; Personal Property Rights
(21 minutes, Vocational Media Associates)

The videotape sets forth the factors which distinguish real property from personal property. The program discusses the methods of acquisition of property, including adverse possession and gift, and the rights and responsibilities of landlords and tenants.

Business Organizations
(19 minutes, Vocational Media Associates)

This program discusses the legal concepts of corporations, partnerships and proprietorships. Particular emphasis is given to the sources of authority of an agent – express, implied and apparent.

Insurance – What It's All About
(21 minutes, Film Fair Communications)

A humorous Father Time character provides an explanation of insurance. After a brief history of the beginnings of insurance, the film examines in detail the various basic types: auto, homeowners, health, and life. Within each category, legal terms are defined.

Law and The Citizen: Contract Law
(22 minutes, BFA)

A girl signs a contract to purchase a stereo. Some time later she discovers she could have purchased it much cheaper at other stores. She refuses to continue payments, contending a bait-and-switch had occurred and that she had been taken advantage of because of her youth and inexperience. She is sued for what she owes. Was the contract unfair? Why are contracts important to us? What obligations do parties to a contract have? How far have we moved away from the doctrine of **caveat emptor**, or let the buyer beware? This open-ended film will be valuable in consumer education as well as the law-related area.

Law and The Citizen: Landlord-Tenant Law
(23 minutes, Barr Films)

What are the rights of tenants? What powers do landlords possess? Should landlords be obligated to bring their apartments up to a legally imposed set of standards? When, if ever, should tenants be allowed to deduct repairs from their rent? These, and other vexing questions in the area of renting, are explored in this dramatic, open-ended film. Landlord-tenant law differs in each state and it would be helpful to have a Missouri lawyer with experience in this subject visit the classroom to answer questions about Missouri's laws.

THE BILL OF RIGHTS IN ACTION SERIES I:
Grade Level: High School and above
Produced by BFA

The Bill Of Rights In Action: Freedom of Religion
(21 minutes)

The Bill of Rights guarantees freedom of religion. But what happens if through the free exercise of religion, laws are broken or life is endangered? A pregnant woman is in an automobile accident, and a blood transfusion is necessary to save her life. Because of their deeply felt religious convictions, both the woman and her husband refuse to grant the doctor permission to give the transfusion. A lawsuit is brought to determine if the woman can be compelled to receive a transfusion. The lawyers agree to the medical necessity for the transfusion, but argue the constitutional issues upon which the judge must decide the case. The judge must decide whether in this case the interests of society outweigh the individual's right to religious freedom, balancing the life of the unborn child against the couple's certain belief that a transfusion violates her religious beliefs. This dramatic program is open-ended.

The Bill Of Rights In Action: Capital Punishment
(22 minutes)

Is capital punishment a cruel and unusual punishment under the Eighth Amendment to the U.S. Constitution? Is it an effective deterrent against crime? Is the concept of retribution a desirable aspect of our legal system? These and other questions are argued in depth by lawyers in the sentencing phase of a trial involving a convicted murderer. The program is left open-ended – the viewers are asked whether they think the death penalty should be applied in this case.

The Bill Of Rights In Action: Juvenile Law
(22 minutes)

This program follows two brothers, ages 15 and 18, after their arrest. It shows the dramatic differences between adult criminal procedures and juvenile law, as reflected in the contrasting ways the brothers are treated. Juvenile law is paternalistic, attempting to treat and rehabilitate rather than punish. Would it be better if juveniles were treated as adults, subject to criminal sanctions, but at least granted such basic constitutional rights as bail and trial by jury?

The Bill of Rights In Action: Women's Rights
(22 minutes)

A high school girl wants to swim on the boys' team, but there are state bylaws which prohibit this. In a court action, her lawyer states that these bylaws are unconstitutional, because the Fourteenth Amendment guarantees equal protection of the law to all citizens, regardless of race or sex. The attorney for the state argues that there are differences between men and women that make equality impossible when questions of size and strength are crucial or when our traditional concepts of privacy are violated. As with the other programs in this series, the issue is left to the viewers to decide.

***THE BILL OF RIGHTS IN ACTION SERIES II:**
Grade Level: High School and above

This series of videotapes was produced by the American Bar Association's Commission on Public Understanding About the Law. Each videotape features residents of a fictitious community, Middleburg, debating constitutional topics related to current issues in today's society. The series contains three videotapes consisting of two parts each.

***The Right to Privacy**
Part I: Drug Testing City Employees
(35 minutes)

The city council considers a proposal to randomly drug test public employees.

Part II: AIDS in the Classroom
(22 minutes)

At a school board meeting, parents are outraged by the revelation that a student with AIDS is enrolled at a public school.

***Equal Protection**
Part I: Juvenile Curfews
(17 minutes)

A juvenile curfew is proposed to curb drug use and violence and Middleburg citizens debate the constitutional rights of juveniles.

Part II: Public Housing Security
(14 minutes)

The city council addresses the need for security in public housing and the debate over the issue illustrates the struggle between public safety and individual rights.

***First Amendment**
Part I: Library Book Selection
(16 minutes)

Parents debate banning certain books from the school library.

Part II: Underground Student Newspaper
(18 minutes)

When an underground school newspaper surfaces, the citizens of Middleburg explores the concept of free speech.

NOTE: The Missouri Bar also has videotapes available of only Part I and only of Part II for each of these three videotapes. Be sure to request the separate videotapes by title.

***THE CIVIL RIGHTS MOVEMENT SERIES**
Grade Level: 7-12
Produced by *The New York Times*

This series of four videotapes traces the Civil Rights Movement from the 1800s. Each videotape has a four-page educator's guide which should be requested when requesting the videotape. Each videotape also has 18 to 24 archival sheets of reformatted *New York Times* articles, written by distinguished journalists from the period, including maps, charts, photographs, and illustrations. These should also be requested when requesting the videotape.

***Black American Views on Racial Discrimination, 1985-1915**
(18 minutes)

View the birth of civil rights in the United States through Booker T. Washington's "Atlanta Exposition" speech, W.E.B. BuBois' Niagara Movement, and the founding of the NAACP. Accompanying news accounts detail segregation ordinances, the Night Riders of 1909, and reactions to the film, "Birth of a Nation."

***The Women's Suffrage Movement and the Nineteenth Amendment, 1919-1920**
(18 minutes)

Follow efforts to ratify the Nineteenth Amendment from United States Senate approval to formal ratification. Highlights the inspirational efforts of pioneering feminists like Carrie Chapman Catt and Alice Paul, and the political and social ramifications of giving the women the right to vote.

***The Little Rock School War: The Supreme Court's Response to a Constitutional Crisis, 1957-1959**
(18 minutes)

Depicts Arkansas Governor Orville Faubus attempting to prevent school integration and how federal troops were sent to Little Rock to carry out the federal court's integration order.

***The Protests in Birmingham and the March on Washington, 1963**
(18 minutes)

Demonstrates the strategies used by civil rights leaders and opposing groups by showing the Freedom Marches in Birmingham, the March on Washington, and the supporting role of Robert F. Kennedy. Also highlights the lasting impact of Martin Luther King, Jr.'s message in his "I Have A Dream" speech.

CONFRONTATIONS IN GOVERNMENT SERIES:
Grade Level: High School and above
(Study Guides should be requested with film request)
Produced by CNN

War Powers: Who Decides?
(20 minutes)

This video along with its study guide presents the "war powers" conflict through an investigation of the War Powers Act of 1973. The first video segment introduces this resolution and its possible application to the conflict in the Persian Gulf during 1986-87. The second chronicles this conflict, highlighting the reactions of both the executive and legislative branches as the one seeks to invoke, and the other avoid, the War Powers Act. The final segment draws the government battle lines and asks, "Should Congress invoke the War Powers Act?"

The Power of the Purse
(20 minutes)

This video along with its study guide examines the federal budget process in action and proposals for reform. The first video segment introduces the "Battle of the Budget" as viewed through the eyes of the leading players. The next segment chronicles a typical sequence of budget events for the fiscal year 1988. The final segment describes three proposals for reforming the budget process.

Students' Rights: Focus on the First Amendment
(20 minutes)

This video, which is accompanied by a study guide, examines students' First Amendment rights. The first video segment is an introduction to these rights through reactions to a Supreme Court decision limiting freedom of the press in schools. The following segments review several court decisions in cases addressing the freedoms of expression and religion. The final segment describes a situation that might one day be brought to court by a student challenge.

*THE CONSTITUTION: THAT DELICATE BALANCE SERIES
Grade Level: High School and above

This series of sixty (60) minute videotapes was created by renowned journalist Fred W. Friendly of Columbia University. Various renowned legal experts, using the classic Socratic method, challenge us to think about current issues like war powers, elections, insanity defense, campaign spending, abortion, AIDS, censorship, drugs, political correctness vs. First Amendment Rights, and education. Panelists in this Emmy Award-winning videotape series are a "who's who" of prominent politicians, journalists, government officials, and academicians from around the world. The roundtable format offers viewers vivid examples of people who participate passionately in American's ongoing political, social and legal controversies.

There are two sets in this series: **The Constitution: That Delicate Balance** and **The Constitution: That Delicate Balance II**. Both sets were produced by Columbia University Seminars on Media and Society. The first series contains thirteen videotapes and was released in 1984. This series received an Emmy Award for news and documentary. The second series, which was released in 1992, contains five videotapes and was taped in Colonial Williamsburg on the occasion of the 200th anniversary of the Constitution.

Note: The videotapes are equally effective shown as a series or individually.

*The Constitution: That Delicate Balance

Executive Privilege and Delegation of Powers – Congresswoman Barbara Mikulski, former President Gerald Ford, and Watergate prosecutor Archibald Cox discuss the President's right to keep conversa3tions with advisors secret from Congress.

War Powers and Covert Action – Gerald Ford, former CIA Deputy Director Bobby Inman, former Secretary of State Edmund Muskie, and others debate whether Congress can restrain the President from declaring war.

Nomination, Election, and Succession of the President – Edmund Muskie, former Presidential Press Secretary Jody Powell, party officials, and others discuss the role of political parties, the electoral college, and what to do if a President becomes disabled.

Criminal Justice and Defendants' Right to Fair Trial – Bronx District Attorney Mario Merola, New York Mayor Edward Koch, CBS News anchor Dan Rather, and others debate whether a lawyer should defend a guilty person and other issues.

Crime and Insanity – U.S. Court of Appeals Judge Irving Kaufman, Hastings Center President Willard Gaylin, and others discuss the use of psychiatry in law.

Crime and Punishments – U.S. Court of Appeals Judge Arthur Alarcon, Federal Bureau of Prisons Director Norman Carlson, government leaders, civil libertarians, and journalists debate the issues of "cruel and unusual punishment" from overcrowding in prisons to the death penalty.

Campaign Spending – Political consultant David Garth, *Washington Post* columnist David Broder, journalist Bill Moyers, and others discuss whether limits on campaign spending infringe on First Amendment rights.

National Security and Freedom of the Press – Former CIA Director James Schlesinger, former Attorney General Griffin Bell, and others debate the public's right to know about national security issues.

School Prayer, Gun Control, and the Right to Assemble – Griffin Bell, former Secretary of Education Shirley Hufstedler, and civil liberties counsel Jeanne Baker discuss First and Second Amendment controversies.

Right to Live, Right to Die – Gloria Steinem, Joseph Califano, Rep. Henry Hyde, Phil Donahue, and others discuss the right to make decisions about dying, abortion, personal freedom, and privacy.

Immigration Reform — U.S. Court of Appeals Judge Arlin Adams, Notre Dame President Rev. Theodore Hesburgh, and immigration officials and journalists debate the rights of legal and illegal aliens to employment and to medical and educational services.

Affirmative Action versus Reverse Discrimination — Ellen Goodman, former EEOC Chair Eleanor Holmes Norton, *Washington Post* columnist William Raspberry, and United Federation of Teachers President Albert Shanker debate whether quotas based on sex or race are unconstitutional.

Federalism — Senators Orrin Hatch and Danial Moynihan and Columbia University professor Diane Ravitch debate how much power the federal government can wield over state and local affairs.

***The Constitution: That Delicate Balance II**

1. *Life and Chose After Roe v. Wade* — Narrated by Professor Charles Nesson of the Harvard Law School. This videotape thoroughly explores all sides of the abortion issue.
2. *First Amendment and Hate Speech* — Narrated by Professor Arthur Miller of the Harvard Law School. This videotape depicts the tension between hate speech and First Amendment rights.
3. *Two Accused: Chronicle of a Rape Trial* — Narrated by Kathleen Sullivan of the Harvard Law School. Explores various issues related to rape cases, in particular date-rape cases.
4. *Equality and the Individual* — Narrated by Charles Ogletree, Jr. of the Harvard Law School. Explores the pros and cons of affirmative action and other equality issues.
5. *Criminal Justice: From Murder to Execution* — Narrated by Jack Ford of the Fordham Law School. Explores the various constitutional issues often implicated in capital punishment cases, including search and seizure issues and punishment phase evidence.

EQUAL JUSTICE UNDER LAW SERIES:
Grade Level: High School and above
Produced by WQED
(The request for the teacher's guide should be made in the film request)

Equal Justice Under Law: Marbury v. Madison
(30 minutes)

This 1803 case established the judiciary's authority to interpret the Constitution. Chief Justice Marshall's insistence on the principle of "judicial review" of acts of Congress brought him into conflict with President Thomas Jefferson, but it did establish the court's authority to declare laws unconstitutional. A teacher's guide accompanies the videotape.

Equal Justice Under Law: Gibbons v. Ogden
(30 minutes)

In 1818 a steamboat was ordered to leave New York waters because it did not have a license to operate within the state. The Supreme Court ruled that the federal government has broad authority to regulate interstate commerce and any conflicting state laws are invalid. In so doing the Court laid the foundation for an American "common market" a century before Europe. A teacher's guide accompanies the videotape.

Equal Justice Under Law: McCulloch v. Maryland
(30 minutes)

The validity of the implied powers of the federal government was reaffirmed in this unpopular decision that dealt a blow to states' rights. The Supreme Court ruled that the Constitution did give Congress the power to charter a bank (in Maryland) and then struck down the state's attempts to tax this federally-established institution. A teacher's guide accompanies the videotape.

Equal Justice Under Law: The Trial of Aaron Burr
(Three 30 minute segments)

More than guilt or innocence was at stake during the treason trial of Aaron Burr. Must the President appear as a witness when ordered by a court? Should he relinquish subpoenaed documents? The U.S. Supreme Court established the precedent that the President is not above the law, a precedent used very recently in American history. A teacher's guide accompanies the videotape.

INTERPRETING THE LAW: THE ROLE OF THE SUPREME COURT SERIES:
Grade Level: High School and above
Produced by The Center for Humanities

Establishing the Supreme Court/and the Role of the Supreme Court in History
(37 minutes)

The first part of this videotape outlines the powers and functions of the Supreme Court, which was created under Article III of the Constitution, and the federal court system, which was established by the First Judiciary Act of 1789. It also discusses the appointment process for federal judges and the political aspects of Supreme Court appointments.

The second part of the program shows how the court has evolved over time and its role in some of the most important events in the nation's history, particularly the Civil War, the New Deal and the civil rights movement. Also, various legal terms are explained in a clear, straightforward manner.

How the Court Works
(14 minutes)

Every year the Supreme Court is asked to review about 5,000 cases, but the court has time only to give a complete hearing to approximately 200 cases. This videotape discusses the constitutional and statutory authority for the court's jurisdiction. The system used by the court to select cases for review is set forth. Terms such as "justiciable," "standing to sue" and "Rule of 4" are defined. The videotape presents how decisions are made in conference and how opinions are drafted by the justices.

A Case History: Brown v. Board of Education
(15 minutes)

This videotape discusses the history of the five cases which successfully challenged segregated public schools in four states and the District of Columbia and thus overturned the doctrine of so called "separate but equal" education. The videotape discusses the legal origins of the doctrine of "separate but equal" in the case of **Plessy v. Ferguson** and analyzes the various legal challenges to segregated public education which eventually led to **Brown v. Board of Education**. Among the cases mentioned is **Gaines ex rel. Canada**, which held the segregation of the University of Missouri Law School to be unconstitutional.

"SUPREME COURT DECISIONS THAT CHANGED THE NATION" SERIES:
Grade Level: High School and above
Produced by Guidance Associates

Marbury v. Madison
(13 minutes)

The concept of "judicial review" was established in a Supreme Court decision made early in our country's history -- a decision in the case known as **Marbury v. Madison**. The decision of **Marbury v. Madison** established that actions by the Congress and the executive branch of government must abide by the principles of the Constitution and that the judicial branch of our government has the power to determine the constitutionality of laws and executive actions.

McCullough v. Maryland
(13 minutes)

The federal government possesses both explicit powers as set forth in the U.S. Constitution and implied powers. The extent of the implied powers of the federal government has been the subject of dispute between those who favor a strong national government and those who believe that the states should have authority to act in a more independent manner. The case of **McCullough v. Maryland** involves the question of whether or not Congress had the authority to establish a national bank, a subject of heated national controversy during the early 1800's.

Scott v. Sanford (The Dred Scott Decision)
(11 minutes)

The Dred Scott decision held that Scott was still a slave and that Congress did not have authority to limit the expansion of slavery by law, thus ruling the Missouri Compromise of 1820 unconstitutional. The decision was an important contributing factor to the tension which led to the Civil War.

Plessy v. Ferguson
(11 minutes)

Despite the adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments to the U.S. Constitution, the so-called Civil War amendments, in the decision of **Plessy v. Ferguson** the United States Supreme Court upheld the constitutionality of a state law mandating segregation of the races. In this decision the court gave legal recognition to the doctrine of "separate but equal."

Brown v. Board of Education
(11 minutes)

"Separate but equal" continued to exist in America's public schools until the Supreme Court declared segregation of public school children by race unconstitutional in the case of **Brown v. Board of Education**. The court held that segregated educational facilities were inherently unequal and in violation of the equal protection clause of the Fourteenth Amendment and the due process clause of the Fifth Amendment.

Gideon v. Wainwright/Miranda v. Arizona
(13 minutes)

In all police arrests the accused has the right to remain silent and to be provided with an attorney before and during interrogation. He or she must also be informed of these rights, in order to exercise the "privilege against self-incrimination." The enforcement of these rights is a result of Supreme Court decisions based upon the Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution. In examining these two key Supreme Court decisions, this program explores an issue that remains a subject of controversy today: balancing the rights of the accused with the need of society for effective law enforcement.

Roe v. Wade
(20 minutes)

This videotapes examines the controversial case that established constitutional limits on the authority of states to restrict abortion. Beginning with the 19th century, this program discusses the legal and medical origins of American laws concerning abortion. The factual history of **Roe v. Wade** is presented along with the discussion of the rational for the court's decision and dissenting opinions. The program discusses the right to privacy under the Ninth and Fourteenth Amendments. The controversial nature of the abortion issue is noted, including ongoing efforts to enact a constitutional amendment to restrict abortion.

U.S. v. Nixon
(20 minutes)

Two hundred years of American history have shown that the powers of the three branches sometimes overlap and conflict. **U.S. v. Nixon** is an example of just a conflict. In this case, President Nixon claimed a right of executive privilege, and refused to surrender documents in his possession despite a federal court subpoena.

In reaching its decision, the Supreme Court drew upon the famous statement of Justice John Marshall in **Marbury v. Madison**, 1803: "It is emphatically the province and the duty of the court to say what the law is." The court stressed the need for the accused in a criminal case to have access to every person's evidence, since to do otherwise would injure the integrity of the justice system. At the same time, the court acknowledged a limited right of executive privilege in instances where national security or military and diplomatic confidentiality might demonstrably require it.

*WE THE PEOPLE SERIES:

This four videotape series, produced by Films for Humanities and Sciences and hosted by Peter Jennings, was made to celebrate the 200th anniversary of the Constitution and to show the Constitution in action. Each videotape is 56 minutes in length. Suggested audiences: Grades 7-12.

*Free to Believe

Examines the Constitutional guarantees of freedom of expression and religion. The focus is on Mobile, Alabama, where fundamentalist ministries want to bring religion into the classroom. If the ministries are unsuccessful in this effort, they want to eradicate what they conceive to be the "established" religion of secular humanism.

*What Price Equality

Focuses on Yonkers, New York, where a federal court has ruled that the city and school district violated the Constitution and denied equal protection under the law intentionally discriminating against minorities in housing and schools.

*Law and Order

Explores whether mandatory drug testing of police officers violates the Fourth Amendment guarantee against unreasonable search and seizures.

*Who's in Charge

Explores the dispersal of powers in a system that divides authority to govern between the states and the central government; among the Congress, the president, and the courts; and between the people and the government. The program shows citizens fighting to prevent the location of a nuclear waste dump in their backyard.

INDIVIDUAL VIDEOTAPES

***Blessings of Liberty**
(17 minutes)
Grade level: 5-12

Provides a brief history of the Constitution, including how the Bill of Rights came to be added and the history of some of the other landmark amendments. Produced by National Audiovisual Center.

***Careers in the Law Office**
(25 minutes)
Grade level: High School

Today's law offices provide exciting career opportunities to students who have demonstrated excellence in academics, are ready to assume responsibility, and are committed to continued growth and achievement. This 25-minute videotape, presented by the Foundation of the Association of Legal Administrators, introduces career guidance counselors and students to those opportunities on private, corporate, and government law offices. Produced by FALA

Changing The Law
(23 minutes)
Grade level: 7-12

This program provides an opportunity to explore some of the vital legal questions confronting society today. It raises such matters as, "Why should laws be obeyed? Is the law fixed and inflexible, or is it capable of responding to changing needs?" Produced by BFA

Dangerous Songs: Censors, Rock and the First Amendment
(18 minutes)

Plenty of controversy surrounds the issue of rock music and censorship. In this video, which is part of the New York Times Current Affairs Series, recent examples are presented. The video shows conflicting viewpoints, and it also touches on other forms of censorship. By using still photos instead of actual footage of rock bonds, the producers wisely keep the focus on issues and not music. Although not an in-depth look at the controversy, this video is a good springboard for discussion and further exploration. Produced by American School Publishers.

Democracy And Rights: One Citizen's Challenge
(32 minutes)
Grade level: 7-12

This videotape examines the story of Ernest Green, who in 1957 was one of nine black students who helped integrate Central High School in Little Rock, Arkansas. Green's case demonstrates some important principles underlying the study of constitutional rights: where rights originate, how they are enforced, and what one citizen can do to claim his or her rights. The videotape also illustrates the conflicts that can occur when competing groups assert their rights and how these conflicts are a fundamental characteristic of our democratic government. Produced by Close Up Foundation.

An Empire of Reason
(60 minutes)
Grade level: 5-12

An Empire of Reason depicts the story of the political battle in New York State to ratify the U.S. Constitution as told through the cameras, reports and commentary of a network news broadcast of today. Major television personalities of today – including Walter Cronkite, Phil Donahue and William F. Buckley – present the historical events of the 1780's as if they happened today.

The film can be divided into three parts for classroom use. The first part explores the political and economic problems faced by the country in 1787 – a situation which led some in the political community to feel that only a new framework of government for the United States could meet the critical needs of the country. The second part examines the history of New York's ratification process and explores the conflicting values that emerged in a nationwide debate concerning the decision to adopt a new framework of government – the U.S. Constitution. The third part examines the political process through which the adoption of the Constitution in New York State was achieved, opening up an inquiry into the nature of the American political process and looking forward to the first amendments to the Constitution – the Bill of Rights. Produced by the New York Bar Foundation.

Eyes On The Prize: Fighting Back (1957-62)
(60 minutes)
Grade level: 7-12

Fighting Back follows the struggle for equality from the schoolroom to the courtroom and back as blacks reject the system of so-called "separate but equal" education. In 1954, the Supreme Court also rejects the system in its historic **Brown v. Board of Education** decision. The legal battle won, in 1957 nine black teenagers dare to integrate Little Rock's Central High School. In 1962, James Meredith enrolls at the University of Mississippi. Produced by PBS.

Goldilocks: The Trial
(42 minutes)
Grade level: 3-6

This program, which is signed and captioned for the hearing impaired, uses the facts of the well-known fairy-tale as the basis for a criminal trial of Goldilocks. The focus of the videotape is on the procedures of a criminal trial including the opening statement, examination and cross-examination of witnesses, closing argument, and instruction of the jury. At the conclusion of the trial the viewers are given the role of the jury and they determine whether Goldilocks is guilty of a crime. A teacher's guide accompanies the videotape.

How a Bill Becomes a Law
(15 minutes)
Grade level: 5-12

This videotape examines the federal legislative process by tracing the steps a bill must take in Congress before becoming a law. The committee system, public hearings, "mark up," action by the House of Representatives, action by the Senate and the role of the President are fully described. Includes interviews with congressional insiders.

Liberty: The Legacy of Magna Carta
(10 minutes)
Grade level: 7-12

The Magna Carta of 1215 had great impact in the development of personal and civil freedoms in the United States. In a brief examination of this historic moment in western civilization, Bill Moyers traces the events leading to King John's signing of the great charter in 13th century England. He follows the charter's journey to the new land of America, where many of its principles became cornerstones of the Declaration of Independence, the U.S. Constitution and the Bill of Rights. Produced by PBS.

***Luther's Choice**
(45 minutes)
Grade level: 7-12

A true story about Luther Payne, a boy who grew up in West Philadelphia in the midst of violent gang warfare and was drawn into gang participation. Shows how he turned his life around. Produced by Film For Humanities and Science.

***The Missouri Court System: A Model for the Nation**
(9 minutes)

Explores the Missouri Judiciary. Features Missouri Supreme Court Justice Ann Covington and Edward "Chip" Robertson. Explains how Missouri's judicial system is designed to prevent political corruption. Produced for The Missouri Bar.

The Missouri Legislature: The People, The Process, The Power
(The People (16:55), The Process (23:03), The Power (19:16))
Grade level: 7-12

This three-part videotape provides information about the Missouri General Assembly. The first segment, **The People**, focuses on the diverse backgrounds of the individuals who comprise the Missouri General Assembly. The program contrasts their activities in their daily lives with the responsibilities they share as members of the General Assembly. The second segment, **The Process**, discusses the legislative process in Missouri, including committee hearings. Particular emphasis is placed upon the most important officials in the legislative process, the Speaker of the House and the President Pro-Tem of the Senate. The third segment, **The Power**, discusses the early history of the State of Missouri including the development of public education. This segment shows how the government, particularly the laws enacted by the General Assembly impact upon the daily lives of the citizens of Missouri, with particular emphasis on the lives of students.

***A Personal Matter: Gordon Hirabayshi v. The United States**
(30 minutes)
Grade level: High School and above

Explores Gordon Hirabayshi's case against the United States for interring him during World War II because he was of Japanese ancestry. An excellent teacher's guide accompanies this film and should be requested at the time this videotape is requested. Produced by Crosscurrent Media.

***Simple Justice, Parts 1, 2 and 3**
(135 minutes)
Grade level: 7-12

Three 45 minute videos, based on Richard Kluger's book by the same name, tell the story of the battle of desegregating the nation's schools, culminating in Thurgood Marshall's argument before the United States Supreme Court case in *Brown v. Board of Education*. Produced by PBS.

Skokie: Rights or Wrong
(27 minutes)
Grade level: High School and above

Skokie: Rights or Wrong documents the conflict that erupted in 1978 when the American Nazi Party attempted to march in Skokie, Illinois – a community where many Holocaust survivors live. Through interviews with Nazi leaders, their American Civil Liberties Union (ACLU) attorneys, concentration camp survivors and Rev. Jesse Jackson, the film presents a wide range of views on the Nazis' "right" to march in Skokie. The events in Skokie presented a collision of two strongly held values: the constitutional guarantee of freedom of speech and a deep moral aversion and fear of Nazism. Produced by New Day Films.

T.J.'S Rights
(18 minutes)
Grade level: 5-8

This drama for 5-8th grade social studies classes is about a young student, T.J. (short for Thomas Jefferson), who wants to check out To Kill a Mockingbird from the school library only to find that the book has been pulled off the shelf for evaluation. The drama follows T.J. as he gets angry over his situation, and then decides to research in the issues and find out about his rights in relation to censorship.

This is a good video for middle school children. It makes the First Amendment something real – not just an abstraction. Besides explaining the Bill of Rights, the program shows students how to be good citizens. Produced by Maryland State Department of Education.

***Teaching the Constitution**
(58:50 minutes)

This program, developed by the National Council for the Social Studies, consists of an informal speech by former Chief Justice Burger, followed by a panel discussion moderated by Bill Moyers of CBS news. Panelists, all members of the National Commission on Bicentennial of the Constitution, include Lindy Boggs (D-La.), Lynne Cheney, of the National Endowment for the Humanities, William Lucas from Michigan, and Justice Burger. The program, a major session at the National Convention of the National Council for Social Studies, in November, 1986, focuses on the key role of social studies teachers in helping students understand the historical and contemporary meaning of the Constitution. The program is not designed for classroom use; rather, it may be used by teachers for staff development and for individuals viewing as a useful preparation when planning for teaching about the Constitution. Produced by NCCS.

Three Sovereigns for Sarah (Parts I, II, and III)
(Each segment is 60 minutes (180 minutes))
Produced by Night Owl Productions and distributed by PBS
Grade level: 7 and above

Vanessa Redgrave stars as Sarah Cloyce, one of three sisters accused of witchcraft in hysteria-gripped Salem, Massachusetts in 1692. All were found guilty. Sarah was incarcerated and her two sisters were executed. Upon her release from prison, Sarah fought to prove she and her sisters were innocent. In 1703 the court declared their innocence and presented Sarah with three gold sovereigns as symbolic compensation.

***Thurgood Marshall: Portrait of an American Hero**
(28 minutes)
Grade level: 5-12

Biography of Thurgood Marshall, the first African-American to serve on the nation's highest court. Highlights Justice Marshall's argument as a young lawyer in *Brown v. Board of Education*. Produced by PBS.

***The Toll, the Tears**
(60 minutes)
Produced by Kelly Burke and WETA, distributed by PBS
Grade level: 7 and above

Phil Donahue introduces this excellent videotape on the consequences of driving while intoxicated. Kelly Burke, who narrates the videotape, tells the stories of families affected both by untimely deaths and by family members convicted of manslaughter related to drunk driving.

The Trial of John Peter Zenger
(30:24 minutes)
Grade level: High School and above

This program depicts the criminal trial of John Peter Zenger, a printer in colonial New York who was charged with the crime of libel. The jury's acquittal established truth as a defense in libel cases and is considered a landmark in the establishment of freedom of the press.

***Understanding the Courts: Anatomy of a Criminal Case and Anatomy of a Civil Case**
(35 minutes)
Grade level: 7-12

A two-part film which first takes the viewer through the various steps of a criminal case, beginning with the arrest, and ending with how a criminal case is tried in the courts. The second part takes the viewer through the various steps of a civil case. Excellent comparison of the two kinds of cases. Produced by The American Bar Association, Commission on Public Understanding About the Law.

Your Vote
(30 minutes)
Grade level: 5-12

A complete history of voting rights, in the United States narrated by Frank Zappa. This fun and interesting videotape highlights the struggle for suffrage by women, immigrants, Native Americans and African Americans. Produced by Cactus Productions of Arlington, Virginia.

***Fairness and Freedom**
(50 minutes)
Grade level: 5-12

This is a two part film produced by the Minnesota Judicial Center which depicts how one case can be both a criminal and civil case.

YOUNG LAWYERS' SECTION MOCK TRIAL SERIES:

Driving While Intoxicated Mock Trial
(40 minutes)

This videotape shows the procedure for the criminal trial of a person charged with driving while intoxicated. The roles of the judge, jury, prosecutor, defense counsel, police officer and offender are depicted.

Small Claims Action Mock Trial
(30 minutes)

This videotape depicts a small claims action between a landlord and a tenant concerning the landlord's retention of a security deposit and claim for additional damages. The videotape sets forth the procedures for a small claims action from initial filing to appeal to the circuit court.

Automobile Accident Case Civil Mock Trial
(104 minutes)

This program demonstrates how to try a court case involving a claim for damages resulting from an automobile accident. The program illustrates the basic procedure used by both the plaintiff's and defendant's attorneys during a civil trial including the proper and improper way of giving opening statements; proper and improper type of objections; proper and improper examination of witnesses and production of evidence; and a conference with the judge during the trial. The program is composed of two videotapes. The initial videotape is 58 minutes and the second videotape is 46 minutes.

Written materials provide the facts of the case, documents used in the case, instructions, and some of the applicable case and statutory law in Missouri.

Mock Appellate Argument
(25:43 minutes)

The appellate oral argument videotape illustrates the procedures of a Missouri appellate oral argument for law students or lawyers with limited appellate experience. The videotape includes introductory comments by the appellate judges, oral arguments for both the appellant and respondent, and questions by the appellate judges to the counsel for each side. The written materials include a short statement of the facts on which the arguments are based and references to the appropriate court rules which should be considered in preparing an appellate argument. The argument is based upon the case of State ex rel. Payton v. City of Riverside, 640 S.W.2d 137 (Mo. App. W.D. 1982), which involved the denial of a liquor license by a city.

YOUNG LAWYERS' SECTION ESTATE PLANNING SERIES:

Estate Planning for the Expecting Couple
(30:28 minutes)

Estate Planning for the Parents of Teenagers
(30:30 minutes)

Estate Planning for the Widowed Parent
(30:24 minutes, 1/2" VHS, color, Young Lawyers' Section)

The Estate Planning Series of videotapes uses a question and answer format with a discussion among two lawyers, a moderator and individuals in the respective roles of parents expecting their first child, parents of teenagers, and a widowed father and his son. The discussions focus on the manner in which wills, trusts, powers of attorney, and guardianship and conservatorship can be used to meet the potential estate planning needs of individuals in such circumstances.

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